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N. B.—The sign + above a name of a Member on Questions, which were orally answered, indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Thursday, 5th September, 1957.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Revision of U.N. Charter

*1489. **Shri D. C. Sharma:** Will the **Prime Minister** be pleased to state:

(a) whether Government of India participated in the discussion in the United Nations Assembly regarding the revision of U.N. Charter; and

(b) if so, what were the views expressed by its spokesman?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) Our representative stated that the present time was not appropriate for reviewing the Charter. He urged that the Committee, set up to consider the fixing of time and place for a General Conference to review the Charter, should continue and be requested to make its recommendations not later than its 14th session that is in 1959. (These views of India were shared by several other countries and a resolution in this sense was adopted by the Assembly without opposition).

Shri D. C. Sharma: What were the reasons which weighed with the Government of India to say that the time for the revision of the Charter was not propitious just now?

Shrimati Lakshmi Menon: It was thought that the international situation should ease a little more and also that the UNO itself should become more representative of the peoples of the world.

Shri D. C. Sharma: May I know if the Government of India had a suggestion under review that the representation at the UNO should be on the population basis?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): No, Sir. We did not and we do not think that it is a feasible proposition.

Displaced Persons from East Pakistan

*1491. **Shri H. N. Mukerjee:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state the number of East Pakistan displaced persons sent to camps in Orissa since 1950 and the number permanently rehabilitated so far?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): Information is being collected and will be laid on the Table of the Lok Sabha in due course.

Shri H. M. Mukerjee: What steps have been taken by the Government to ensure that the refugees are so placed in camps that they can earn their livelihood either through the camps being linked with some Plan projects or community development schemes or something like that so that they are not compelled by sheer distress to desert the camps as has often happened in the case of Orissa?

Shri Mehr Chand Khanna: There is only one camp in Orissa—Charbatia. There we have about 4,000 persons who have been recently moved from West Bengal into Orissa. We have already a scheme in our hand for the expansion of the Chilka foreshore lake—about 2500 acres. I am also taking steps to see that some kind of training and production centres are set up even in the camp itself.

Shri H. N. Mukerjee: May I know if the attention of the Minister has been drawn to a Press statement issued some two months ago by Shri Gadadhar Datta, Secretary to the Congress Assembly Party in Orissa, pointing out conditions in Koraput which is in the proposed Dandakaranya area are such that the refugees just could not be rehabilitated there for unavoidable physical and other reasons for no fault of their own or of the Orissa Government?

Shri Mehr Chand Khanna: In that statement the reference is to the Dandakaranya scheme which is still in the exploratory stage. We are having surveys made and I can assure the hon. Member that every possible step will be taken to see that the area is properly developed and an integrated plan is put up so that there is the remptest possible chance of desertions.

Shri Panigrahi: May I know the total amount of money granted so far to the Government of Orissa from the Centre for refugee rehabilitation in that State since 1950?

Shri Mehr Chand Khanna: I am afraid I have not got the figures with me now.

Shri A. C. Guha: May we take it as an assurance from the Minister that in the Dandakaranya scheme unless a particular area is fully developed, no refugee would be sent there?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): No, Sir; certainly not. I think in the development itself the refugees should take part.

Shri Sadhan Gupta: How is it that the Government has such a large number of persons to be rehabilitated because, presumbably, it is one of the most important figures if the Government has to evaluate the success of its efforts for the rehabilitation of the East Bengal refugeea?

Shri Mehr Chand Khanna: If the hon. Member is referring to Orissa-the total refugee population is about 12,000 out of which 4,000 are in camps and the rest are in some short of colonies.

Shri Jaipal Singh: In the information that the hon. Minister has agreed to collect, will he be pleased to collect the break-up as between tribals and non-tribals?

Shri Mehr Chand Khanna: If the hon. Member is referring to Dandskaranya scheme, I can assure him that we will see that the interests of the tribals are duly protected.

Shri Jaipal Singh: My question does not relate to Dandakaranya or anything like that. It relates to the people coming from East Pakistan. I would like to have the break-up as between tribals and others.

Shri Mehr Chand Khana: As regards East Pakistan, they are all migrants coming out on migration certificates. I have no idea whether there are any tribals among them.

Shri Jaipal Singh: The hon. Minister does not seem to realise that there are tribals in this world at all. I would like, if it is possible, to know whether there are tribals.

Shri Mehr Chand Khana: As far as the migrants from East Pakistan are concerned, I will try to make out if there are any tribals among them.

News Reels

*1492. **Pandit D. N. Tiwary:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that quarterly editions of news reels spot-lighting the achievements in economic, agricultural and industrial spheres under the Five Year Plan are produced in regional languages and are made available to the public.

(b) whether these news reels are distributed free; and

(c) if so, the number of news reels so far distributed?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The quarterly editions of the newsreels are compiled out of items relating mainly to the activities relating to the Five Year Plans in the weekly newsreels released by the Films Division and at present, they are produced with commentary in Hindi, Bengali, Tamil and Telugu. Recently English and Kashmiri versions have been added.

(b) No, Sir. A statement showing the rates for sale and hire of all such films is placed on the Table of Lok Sabha [*See* Appendix IV annexure No. 59]

(c) Eight.

I may add for the information of the hon. Member that the Government, semi-Government departments, educational institutions, hospitals, charitable, social welfare and non-profit organisations get it free of charge.

Pandit D. N. Tiwary: May I know whether any special steps had been taken to show these reels in rural areas free of charge and if so whether any assessment has been made how far people have come to know about development projects?

Dr. Keskar: These are shown by our own organisations on Five Year Plan publicity in the rural areas and a large number of copies are given to the community development blocks also.

Pandit D. N. Tiwary: What has been the sale proceeds realised by the sale of all these eight news reels in different languages?

Dr. Keskar: I would require notice.

Shri Mahanty: May we know why these news reels are not produced in other regional languages than those referred to by the hon. Minister?

Dr. Keskar: This was begun in these languages. It is our objective to produce these news reels in all the languages, and I might inform the hon. Member that already we are taking steps to see that they are produced in all the regional languages.

Shri Mahanty: May I know whether during the last General Elections these news reels were shown in all the constituencies where the Congress Party was interested?

Dr. Keskar: No, Sir.

Mr. Speaker: We are going away from one thing to the other.

Shri Narayanankutty Menon: Are Government aware that certain private news agencies are taking certain documentaries which give a distorted version of the activities of the States and the Central Government, and whether there is any provision for prior scrutiny of these before they are sent to foreign countries?

Dr. Keskar: There is no ban either on the production of any film or on the export of such film outside the country at this time.

Shri Narayanankutty Menon: My question was whether there is any provision for prior scrutiny or censoring of these documentaries before they are sent abroad.

Dr Keskar: I am repeating that whether it is a documentary or a feature film, production by any person whether foreigner or Indian is not under the present rules subject to scrutiny.

उत्तर बिहार में उद्योग

*१४६३. **श्री श्री नारायण दास :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) द्वितीय पंच वर्षीय योजना काल में उत्तर बिहार मे भारी उद्योग चालू करने के संबंध में क्या कोई अन्तिम निर्णय किया गया है ;

(ख) यदि हां, तो उस निर्णय की रूपरेखा क्या है ?

(ग) गैर-सरकारी और सरकारी क्षेत्रों में क्रमशः कौन-कौन से उद्योग लिये जायेंगे :

(घ) इस संबंध में बिहार सरकार द्वारा पेश की गई प्रस्थापना पर क्या कोई निर्णय किया गया है ; और

(ङ) यदि हां, तो उसका क्या स्वरूप है ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) से (ङ): जिस समय द्वितीय पंच-वर्षीय योजना बनाने के सिलसिले में सोच विचार चल रहा था, उस समय बिहार सरकार ने कुछ प्रस्ताव उपस्थित किये थे। इन पर योजना कमीशन के उद्योगों संबधी वर्किंग ग्रुप की एक बैठक में विचार किया गया था। बिहार राज्य की द्वितीय-पंच-वर्षीय योजना में नीचे लिखी विशाल तथा मध्यम पैमाने की औद्योगिक योजनायें शामिल की गयी थीं :—

१. बिहार सुपरफास्फेट फैक्टरी
२. काते हुये रेशम के मिल का विस्तार
३. पोर्सलेन फैक्टरी।

इस राज्य की आयोजना में विशाल तथा मध्यम आकार के उद्योगों के लिये १४० लाख रु० की व्यवस्था शामिल है।

एक विवरण सभा की मेज पर रखा जाता है, जिसमें बताया गया है कि नये कारखाने स्थापित करने तथा मौजूदा कारखानों के विस्तार के लिये १९५६ में तथा १९५७ में मई मास तक कितने लाइसेंस दिये जा चुके हैं। (देखिये परिशिष्ट ४, अनुबन्ध संख्या ६०) ।

द्वितीय योजना काल में बिहार के लघु उद्योगों और ग्रामोद्योगों के लिये ११.४० करोड़ रु० की व्यवस्था की गई है।

श्री श्रीनारायण दास : इस वक्तव्य से पता चलता है कि कुछ नये उद्योगों के लिये और कुछ उद्योगों के विस्तार के लिये लाइसेंस जारी किये गये हैं। क्या मैं जान सकता हूं कि उनमें से कितने उद्योग प्राइवेट सैक्टर के हैं और कितने सार्वजनिक क्षेत्र के हैं।

श्री मनुभाई शाह : यह जानकारी स्टेटमेंट में दी गई है। तीन योजनायें जो हैं जिनका मैंने ज़िक्र किया है वे पब्लिक सैक्टर की हैं और बाकी जो स्टेटमेंट में बताई गई हैं वे सब प्राइवेट सैक्टर की हैं।

श्री श्रीनारायण दास : क्या मैं जान सकता हूं कि क्या अभी भी कुछ ऐसे उद्योग हैं जिन के विस्तार के लिये या जिन की नये सिरे से स्थापना के लिये लाइसेंस की दरख्वास्ते पेंडिंग हैं ?

श्री मनु भाई शाह : वैसे तो बहुत सी दरख्वास्ते पेंडिंग मे पड़ी रहती हैं। लेकिन जब स्कीम्स आती है उनको उनके मैरिट्स पर कंसिडर किया जाता है।

Shri Jaipal Singh: Part (a) of the question relates to information regarding North Bihar. If I have understood the hon. Minister's reply correctly I think the information he has given is in regard to Bihar as a whole. If it is in relation to North Bihar, I would like to know where North Bihar begins.

Shri Manubhai Shah: If the hon. Member reads the statement correctly we have also indicated which of the factories will be located in North Bihar—they are mentioned, "North Bihar" in brackets. Usually it is not our custom to divide any State geographically as such the demarcation would be absolutely arbitrary.

Even then, to satisfy this question we have tried to indicate North Bihar also.

Shri Mahanty: In view of the accepted policy of dispersal of industries, may I know whether it is a fact that according to the licensing policy which is pursued by the Government of India at the moment, such undeveloped areas, like North Bihar have been completely ignored and industrialised areas like Bombay and Calcutta have been given preference? May I know whether this is a fact?

Shri Manubhai Shah: It is a wholly incorrect statement. We are all the time pursuing a policy to see that regional disparities are reduced as far as possible.

Shri Mahanty: May I know how many joint stock companies have been granted licences to set up industry in the under developed areas and whether this can be subtantiated from the records of licensing?

Shri Manubhai Shah: To substantiate a thing like that is not possible in question hour but the general trend has been, and if he looks to the licences he will realise and also appreciate that it has been our constant policy to consider the applications from the angle of regional development also. Of course all industries cannot be considered from that angle only; economic factors are overwheighing and they have to be taken principally into consideration.

Shri Shree Narayan Das: Out of some of the industries that will be set up under the public sector, may I know how many will be started in North Bihar?

Shri Manubhai Shah: That is given here. Perhaps the Procelain Factory mentioned here is likely to be started in North Bihar. But the location of the factory will be left to the State Government and also the availability of raw materials in that particular place.

Labour Participation in Management

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*1494. { **Shri Tangamani:**
Shri Kasliwal:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether a list of industries both in the public and private sectors, where the scheme of labour participation in management can be introduced, has been approved by the Tripartite Committee;

(b) whether Councils of Management will be set up under the scheme; and

(c) whether the State Transport Services is one of the approved industries?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). Yes.

Shri Tangamani: In the Fifteenth Indian Labour Conference it was decided that this participation in management will be extended to fifty factories. May I know whether these fifty factories have been listed?

Shri Abid Ali: Some of the units have been selected according to the decision of the Tripartite Committee which was held recently. For the others the organisations have been asked to suggest the units.

Shri Tangamani: May I know whether any of the textile mills in Kanpur and Coimbatore have been included and, if so, what they are; also, whether the Madras State Transport Service is one of the units?

Shri Abid Ali: For textiles the Tripartite Committee has selected the cotton textile mills at Ahemedabad, Bombay, Kanpur, Madras, Coimbatore, Indore and Nagpur. With regard to Transport....

Mr. Speaker: Why not he place the list on the Table?

Shri Abid Ali: It is small, Sir. With regard to Transport it will be the workshops in two States (the names of the two States have not yet been fixed) and of the D.T.S.; and perhaps Dapodi workshop also.

Shri Tangamani: May I know whether the Madras Government State Transport Service is one of the units included?

Shri Abid Ali: It is for the Tripartite Committee to fix these details.

Shri S. M. Banerjee: May I know the industries under the public sector where the scheme is being introduced?

Shri Abid Ali: Railway workshops, Posts and Telegraphs, Ports, Shipyards, Government Mines, undertakings in the States, Insurance Units of the Life Insurance Corporation.

Mr. Speaker: Why does he insist on reading them? If the list is large....

Shri Abid Ali: That is all, Sir.

Mr. Speaker: Whenever the list is large, they will kindly place it on the Table instead of reading the whole thing.

Shri S. M. Banerjee: May I know the reason for excluding the Defence industry?

Shri Abid Ali: This is a decision by the Tripartite Commitee, not our decision.

Ways and Means for Second Five Year Plan

*1435. **Shri Sanganna:** Will the Minister of **Planning** be pleased to state:

(a) whether the State Governments have been addressed to find ways and means for increasing the revenue to finance development programmes under the Second Five Year Plan; and

(b) if so, with what results in each State?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) Yes, Sir. The Planning Commission has been time to time, discused with State Governments the desirability of increasing their revenues, so that adequate resources may be raised for financing the Second Five Year Plan.

(b) In 1956-57 as well as in 1957-58 a number of State Governments have adopted aditional measures of taxation. Two statements giving estimates of expected yield from additional measures proposed in various States in 1956-57 and 1957-58 are placed on the Table of Lok Sabha. [*See* Appendix IV annexure No. 61.]

Shri Sanganna: As it is the ultimate intention of the Government to stick to the core of the Plan, may I know whether any changes will be made in the overall Plan?

Shri L. N. Mishra: The Planning Commission is still at work so far as the question of adjustment in the Plan priorities is concerned. Therefore it will be difficult for me to say anything at this stage.

Shri Sanganna: In the figures mentioned in the statement from different States I want to know what factors have been taken into consideration in imposing additional taxation?

Shri L. N. Mishra: The State Governments are sticking to the recommendations of the Taxation Enquiry Commission and they are trying to implement as many of the recommendations as is feasible for them.

Shri Harish Chandra Mathur: Is it a fact that the various Members of the Planning Commission have allotted to themselves certain of the States and are visiting them? May I know what is the purpose of this and what is the scheme of things?

Shri L. N. Mishra: It is a fact that the Members of the Planning Commission including the Deputy Chairman are visiting the various States. The Deputy Chairman has already visited Madras and Kerala. They are consulting the State Government and trying to know their position so far as the adjustment regarding priorities in the Second Five Year Plan is concerned.

Shrimati Renuka Ray: As the taxing capacity of State Governments is very limited and they are not encouraged to raise loans, how does the Government expect the State Governments to raise additional revenues to finance the Second Plan?

Shri L. N. Mishra: They have raised additional revenues in 1956-57. The various State Governments have got revenue from additional taxation to the tune of Rs. 14·7 crores in 1956-57, and in 1957-58 also they expect to raise additional revenue to the tune of Rs. 16·54 crores, and we expect that the State Governments in spite of their difficulties will be able to meet their commitments. Of course, they are encountering some difficulty also.

Shrimati Renuka Ray: Is it not a fact that the State Governments have taxed to the hilt and raised all the amount that they could raise.

Shri L. N Mishra: It is a matter of opinion, but I feel they are trying their very best in spite of their difficulties.

Shri C. D. Pande: May I know if the Government of India have received any representations from some of the State Governments saying that every little scope is left for taxation on account of the intensive taxation launched by the Centre itself?

Shri L. N. Mishra: I would require notice.

Shri Gajendra Prasad Sinha: May I know whether there has been any increase recently in the revenue receipt of Kerala State, and if so, by what per cent?

Shri L. N. Mishra: I will require notice.

Shri Ranga: In the case of grants made by the Centre on a matching basis, what happens if the State Governments are unable to provide their part, namely 50 per cent? Is there any arrangement by which this money is being funded here so that if and when the State Governments are able to raise their part of the funds, whatever is allocated to them by the Centre could be made use of?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): This question has been agitating us for some time past, and I believe that some ways out have been found, so that they might take advantage of the help from the Centre even if they cannot match it. I cannot give the details without reference.

Shri Nagi Reddy: In view of the fact that during 1957-58 a number of budgets have been deficit budgets in the State, may I know what new proposals have been made to the States this year?

Shri L. N. Mishra: Every State Government has some new taxation proposals also, and I believe....

Shri Nagi Reddy: I want to know what new proposals the Centre has sent to the State Governments this year?

Shri Jawaharlal Nehru: This question should be addressed to the Finance Minister, not to my colleague in the Planning Ministry, and if it is addressed, probably facts and figures can be found such as we know them and placed before the House.

Hindi in Diplomatic Dealings

*1496 **Shri Shivananjappa:** Will the **Prime Minister** be pleased to state:

(a) whether the External Affairs Ministry is now encouraging the use of Hindi in its formal diplomatic dealings; and

(b) if so, what other important steps have been taken to encourage Hindi in the diplomatic dealings?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Use of Hindi is encouraged in all diplomatic dealings so far as possibie.

(b) All letters of Credence, Commission, Introduction, Recall and Commissions of Appointment in favour of Indian Envoys abroad, and the acknowledgements of Letters received from Heads of other States are issued in Hindi with ready translation of the same in English. Commissions of Appointment of Indian Consular Officers abroad and Exequaturs for the foreign Consular Officers posted in India are prepared in Hindi and English rendering of the text is attached.

Invitations to Heads of Missions are sent in Hindi with English translation. Invitations to State Banquets and similar functions are issued in Hindi.

Steps are being taken to issue in Hindi the Letters of Credence in favour of Indian Delegations attending conferences abroad.

Shri H. N. Mukerjee: May I know if it is Government's idea that, except for ceremonial occasions when Hindi as our official language should certainly be used, we should also spend time and money for a wider use of Hindi in preference to English which has already come to replace French as the language of world diplomacy?

Mr. Speaker: It is a suggestion for action. There is the Language Commission's Report. Next question.

Shri Hem Barua: I wish to put a question.

Mr. Speaker: I am not going to allow. Hon. Members may make representations to the Parliamentary Committee.

Shri Nagi Reddy: The Committee is only regarding the language question so far as the country inside is concerned.

Mr. Speaker: Country inside or outside, wherever this country has got dealings.

Coal Mines Labour Welfare Fund

*1497. **Shri P. C. Bose**: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the building programme of the Coal Mines Labour Welfare Fund has been held up for want of building materials;

(b) if so, the arrangement made by Government to supply the materials; and

(c) the alternative proposals, if any, to build houses without the material, which are in short supply?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c): The building programme is not in full swing yet and therefore there has been no hold up so far on acount of shortage of cement and steel. In the future, apart from the share which the Fund will get out of available supplies, alternative specifications are being worked out, which will eliminate or reduce the demand for scarce materials.

Shri P. C. Bose: May I know whether as a result of these new specifications for building materials, the number of applications for bulding houses has increased?

Shri Abid Ali: We have received applications for about 3,000 houses. Twenty-nine thousand sites have already been selected.

Shri A. C. Guha: Is it true that this fund is accumulating huge balances and the balances are increasing year by year and if so, may I know if the Government has any scheme to make better use of the funds collected every year?

Shri Abid Ali: Yes, Sir. We have got about Rs. 5·60 crores in balance, and the proposal is to construct about

30,000 houses during the next three or four years, and all the accumulated amount will be exhausted.

Shri A. C. Guha: Is there any proposal also to increase the hospital facilities?

Shri Abid Ali: Yes, Sir.

Small Scale Industries

***1498. Shri Harish Chandra Mathur**: Will the Minister of **Commerce and Industry** be pleased to state whether Government have made any evaluation of the work done by Small Scale Industries Organisation including that of the Directors of Industries of various States?

The Minister of Industry (Shri Manubhai Shah): Evaluation of the work done by the Small Industries Organisation has not been made so far, though arrangements for periodical sample evaluation surveys are under consideration.

Evaluation of the work of the State Directors of Industries is the function of the respective State Governments.

Shri Harish Chandra Mathur: What are the reasons for not taking up the evaluation work, as has been done in respect of the community projects, particularly in view of the very discouraging reports in the community projects, about small-scale industries?

Shri Manubhai Shah: Firstly this work was started only two years back. Even two years fully are not out. Also the organisation of small-scale industries being spread over such a vast country, it is very difficult to get correct statistics from the small man. Even then, we are trying first the sample method of survey, and once we get certain basic data, it is our intention to get regular evaluation done of the entire work.

Shri Harish Chandra Mathur: May I know if as a result of this sample survey the hon. Minister is aware of the causes which are obstructing the growth of small-scale industries? May I know what are the causes and what action has been taken by the Government in this matter?

Shri Manubhai Shah: Firstly I may submit for the information of the House that the work done by this organisation is quite considerable. It has been able to give 15,000 parties in the country technical guidance and advice; 3,226 persons have been assisted to start new industries; 32,000 visits have been paid by our technical officers to give guidance to various people, and 49 foreign experts are being brought to our country to advise various units of which 19 are already in position. So, a considerable amount has gone and we have found that the main difficulties are so obvious and known to the House. One is lack of finance, the second is lack of technical skill and proper training, and the third is lack of proper organisational capacity of the small man. All these are being continuously looked into and removed from day to day whenever we come in contact with them in the States and in the Centre.

Shri Viswanatha Reddy: May I know whether any special drive is being undertaken to see that the small-scale industries develop in areas which are unsuitable for the location of big industries?

Shri Manubhai Shah: That is one of the very principal considerations in undertaking small-scale industries. Even though in this country industrialisation itself is very small and limited and as such we would like to spread small-scale industries throughout the country.

Shri S. R. Arumugham: May I know whether Government have taken any steps to bring about co-ordination between the large-scale and small-scale industries so that they may interdependant, and if so, how many large-scale industries have agreed to the proposal and the results thereof?

Shri Manubhai Shah: The industrial policy statement made in 1956 really lays down our policy of a complete co-ordination between the large-scale, medimum-scale and small-scale industries. We have taken further steps to see that the policy is vigorously implemented. We have addressed letters to the large-scale industries to have ancillary and feeder industries attached to them so that through the technical help of the large-scale industries, small-scale industries can develop.

Shri Ranga: Is any effort being made to get these people registered so that Government would have accurate information with regard to the location of these industries, the scale on which they are carried on, their needs, the number of people employed etc.?

Shri Manubhai Shah: Yes, Sir. Though there is no actual registration under the law, we are trying to maintain a regular list of the new industries that are coming up.

Shri Harish Chandra Mathur: Is the hon. Minister aware that even to this day the large scale industries get supply of electric power at a cheaper rate than the small scale industries which can hardly afford it?

Shri Manubhai Shah: That is a fact, but it is a very great historical thing, and we cannot change the current in a day. It is our intention to see that electricity required by small industries is subsidised and, therefore, we have a scheme for seeing that no industry set up in the small scale sector pays more than one and a half an anna per unit.

Shri S. R. Arumugham: May I know whether an American expert was appointed by Government to study the progress of small scale industries? If so, what are the findings of that expert, and how far Government have implemented his recommendations?

Shri Manubhai Shah: There have been so many experts from various countries including America. Which particularly expert is the hon. Member referring to? But I can say that all the recommendations made by various experts under the TCM and Ford Foundation and other different organisations have been very carefully looked into.

Shri S. R. Arumugham: The expert appointed regarding purchase of stores.

Mr. Speaker: The hon. Member only wanted to ask one more question.

Landless Labourers

*1500. **Shri B. S. Murthy:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether Government have any scheme to afford quick and easy facilities to the landless labourers to migrate in search of work during seasonal operation; and

(b) if so, the details of the scheme?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) No.

(b) Does not arise.

Shri B. S. Murthy: May I know whether Government are contemplating providing special trains and special boats at concessional rates to this agricultural labour to migrate from one place to the other in search of work?

Shri L. N. Mishra: The question of agricultural labour is mainly a subject of State Governments. If the hon. Member will look into the recommendations made in the Second Five Year Plan, especially two chapters, one on labour policy and the other on food and agriculture, he will find that some recommendations have been made, and efforts will be made to provide employment to them at the spot.

Shri B. S. Murthy: May I know whether the Planning Commission at least has studied this question and has provided any facilities for the welfare of these agricultural labourers?

Shri L. N. Mishra: The question has been studied at great length, and there is a report on agricultural labour. The Planning Commission has also given some attention and made some concrete suggestions in its Report. The hon. Member can refer to that.

Shri Nagi Reddy: Are Government aware of the fact that the migration of agricultural labour is increasing due to their being evicted from lands which are being occupied by the political sufferers and landlords in Andhra?

Shri L. N. Mishra: I am not aware of it.

Shri Nagi Reddy: Their number is increasing and, therefore, something should be done.

Shri L. N. Mishra: The subject is within the purview of the State Government.

Shri Ranga: Apart from the fact that this is considered to be one of the State responsibilities, has the Planning Commission given any attention at all to the various conventions and resolutions also passed by the ILO in regard to the manner in which such temporary migration of labour from certain centres to other centres of employment in agricultural seasons should be protected?

Shri L. N Mishra: I agree that there may be some difficulties. In so far as this question of migration is concerned, the State Governments will have to look into it The Planning Commission perhaps will not be able to do much in this direction.

Dr. Ram Subhag Singh: Are Government aware that in some parts of the country, especially in Punjab and around Calcutta, there is much scarcity of agricultural labour felt whereas in other parts there is quite a good number of them? If so, what is the reason for not giving facilities to migrate to these agricultural labourers?

Shri L. N. Mishra: We shall send the hon Member's suggestion to the State Governments concerned.

Shri Gajendra Prasad Sinha: May I know whether any effort has been made to survey the actual number of landless labourers in different States in India? If not, is there any such proposal to do it?

Shri L. N. Mishra: No survey has yet been made and perhaps there is no proposal at present to do so.

Shri B. S. Murthy: May I know what steps are being taken by the Centre to persuade the State Governments to do something by this agricultural labour who number nearly 60 million?

Shri L. N. Mishra: We do try to help agricultural labour We have the Minimum Wages Act and that is being implemented by some of the State Governments. The hon. Member will agree that the main problem of the agricultural labour is the question of providing employment to them and we believe that in the Second Plan due to developmental works, NES blocks and Community projects and minor irrigation schemes, some employment opportunities will be provided to them

Dr. Ram Subhag Singh: A large number of agricultural labourers from the Gorakhpur side, Gazipur, Ballia etc. go to Assam and other places. I want to know why Government have not so far assessed their difficulties and have not given any facilities to them to go to those regions, whereas they are giving all sorts of facilities to other sections of society.

The Deputy Minister of Labour (Shri Abid Ali): As regards Gorakhpur labour, there is an organisation which takes care of them and sends them to the collieries.

Dr. Ram Subhag Singh: What facilities...

Mr. Speaker: I cannot go on to a debate on this subject now. The hon. Minister has said that it is left to the State Governments to allow them to go from one place to another and also to give facilities. There are suitable occasions to raise this matter.

Shri Nagi Reddy: It is the Central Government that can take action in this regard.

Mr. Speaker: On a single question I cannot allow a half-hour or one hour discussion now.

Shri B. S. Murthy: We want a half-hour discussion.

Mr. Speaker: Let us see in proper course.

National Plan Day

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*1561. { **Dr. Ram Subhag Singh:**
Shri Sanganna:

Will the Minister of **Planning** be pleased to state:

(a) whether any assistance is proposed to be given to the Universities in India to celebrate the 13th September, 1957 as the National Plan Day; and

(b) the amount of money spent by Government on the Planning Forums so far?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) The field Publicity Officers of the Ministry of Information and Broadcasting, the Universities, the State Governments and other authorities have been requested to render all possible assistance to the University Planning Forums for celebrating in a fitting manner the National Plan Day on September 13, 1957.

(b) There is, as yet, no expenditure incurred on Planning Forums, as such, but the Planning Commission have so far incurred an expenditure of Rs. 64,866·95 on conferences and meetings convened by them of representatives of Planning Forums. In addition, the Ministry of Information and Broadcasting has given financial assistance amounting in all to Rs. 2680/- to three Planning Forums for organising seminars on the Five Year Plan.

Dr. Ram Subhag Singh: To what extent has the establishment of Planning forums in our educational institutions throughout the country succeeded in enlisting the co-operation of students and teachers in the succesful execution of the Plan?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not know how the hon. Member measures and weighs these things, but there can be no doubt that the establishment of these Planning forums in Universities among teachers and students has been of the greatest advantage to everybody concerned, that is to say, their understanding and making it a two-way traffic. They are making suggestions; that is most important, and I have no doubt it is doing a great deal of good.

Shri Ranga: Are these forums supplied with necessary literature?

Shri Jawaharlal Nehru: Oh, yes; they are supplied with all the literature.

Dr. Ram Subhag Singh: May I know the number of Universities in which such forums have been established?

Shri L. N. Mishra: All the Universities have been covered. In 1955, we had 170, and today the number is 255.

Dr. Ram Subhag Singh: What part of the population has been approached by these students' forums and planning forums?

Shri L. N. Mishra: These forums are located in Universities and colleges. Sections of students interested in economics and planning subjects do take part in it. Perhaps the hon. Member might have heard of these forums. These boys have done very many constructive works and also participated in the small savings drive and collected the sum of Rs. 32,000. They have also worked on road construction etc.

Shri Sanganna: May I put a question?

Mr. Speaker: I looked at the hon. Member. He was not getting up.

Shri Sanganna: I was getting up.

Mr. Speaker: He did not get up. Anyway, he may ask the question.

Shri Sanganna: May I know whether the subject of Planning has been included in the syllabuses of the different Universities?

Shri L. N. Mishra: I would require notice.

N.E.S. and Community Development Blocks in Manipur

***1503. Shri L. Achaw Singh:** Will the Minister of **Planning** be pleased to state:

(a) whether any evaluation officer has been appointed to examine the progress of development works in National Extension Service Blocks and Community Projects in Manipur;

(b) if so, whether he has submitted any report; and

(c) whether his office is still functioning in Manipur?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): Parts (a) to (c). An Evaluation Officer was posted to Manipur on the 5th December, 1955 and he worked there till the 25th October, 1956 when he had to leave the Organisation on transfer elsewhere. During this period he submitted a report on the working of a National Extension Service Block. The Evaluation work in Manipur is now being done under the supervision of the Evaluation Officer, Sichar (Assam). A separate officer for Manipur is being appointed through the U.P.S.C.

Shri Rungsung Suisa: May I know how many N.E.S. Blocks there were in the hills and plains of the State of Manipur? Whether the various places in the hills and the plains have been covered in the first Five Year Plan and what is the progress of these Blocks in the first Five Year Plan?

Mr. Speaker: How many questions in one? Hon. Members will make their questions short and also ask only one question at a time. What is the question?

Shri Rungsung Suisa: In Manipur, in the First Five Year Plan there has been failure in the case of N.E.S. Blocks and I want to know the progress thereof and the causes for the failure and what steps Government have taken to overcome that?

Mr. Speaker: I have not been able to follow the question at all.

Shri Gajendra Prasad Sinha: How many N.E.S. Blocks there were in the First Year Plan and how many have failed?

Shri L. N. Mishra: No Blocks failed; so far as Manipur is concerned, I do not know how many there are.

Shri Thimmaiah: May I know whether evaluation work has been done in respect of these Blocks in the whole of the country?

Shri L. N. Mishra: There are 21 Blocks one in each State and evaluation has been done in each of the centres.

Second Five Year Plan

***1504. Shri Tyabji:** Will the Minister of **Planning** be pleased to state:

(a) whether Government propose to bring out a new edition of the Second Five Year Plan re-arranging the figures in the Plan for the States as framed after their reorganisation; and

(b) if not, how Government propose to make the evaluation and progress reports, which will be Statewise, comparable with the targets given in the Plan?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) and (b). The provisions under different heads of development for the plans of States after reorganisation have been finalised and will be indicated in the next progress report on the Plan to be published by the Planning Commission.

Shri Tyabji: In view of the fact that we are told that many of the schemes will cost more than the original estimated costs, does Government propose in this new publication to give the new costs—the increased estimated costs?

Shri L. N. Mishra: The report of the first year of the Second Five Year Plan will deal with the subject of allocation made after the reorganisation of States. So far as the question of increase in costs is concerned, it is a disputable matter.

Shri C. R. Pattabhi Raman: Will Government also indicate in the report the fixation of priorities if there are any?

Shri L. N. Mishra: The report will be of the year that has already passed and the re-allocation of priorities does not arise.

Shrimati Renu Chakravartty: We have heard that there are to be yearly targets. May I know if in the Second Five Year Plan there is any method to make available to the Members the targets from year to year?

Shri L. N. Mishra: The annual Plan is worked out every year and they may be available with each of the State Governments.

Dr. Sushila Nayar: The hon. Parliamentary Secretary has stated that increase of costs is questionable or disputable. Some such adjective, he used. Does he mean that the extent of the increase in this House in cost is not fully known? We have heard answers from various Ministers as to how costs of various projects have increased. I would like the Parliamentary Secretary to please clarify it.

Shri L. N. Mishra: So far as the increase of price is concerned—the estimated costs—this question is being examined by the Planning Commission and it will not be possible for me to say by what percentage there will be increase in costs of the projects.

Shri Tyabji: The hon. Finance Minister has stated that the probable cost would be Rs. 5,400 crores. Is this statement disputed?

Shri L. N. Mishra: Who am I to dispute the statement of the hon. Finance Minister?

Mr. Speaker: There may be dispute between project and project.

Shri Nagi Reddy: The Parliamentary Secretary has told us that the year to year allocation is there with the State Governments. May I know whether that can be placed on the Table of the House so that we may be able to know how much we will be spending from year to year within these 5 years?

Shri L. N. Mishra: I hope that annual statements will be laid on the Table of the House.

Shri Nagi Reddy: I do not think year to year allocation is given.

Mr. Speaker: Very well.

Government of India Press at Coimbatore

*1505. **Shrimati Parvathi Krishnan**: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the work in connection with the starting of the Government of India Press at Coimbatore, Madras State, has commenced;

(b) if so, when it is expected to be completed; and

(c) the employment potential of the Press?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Steps have been taken to acquire the land for siting the Press.

(b) Subject to the availability of foreign exchange by the end of the Second Five Year Plan.

(c) About 800 persons are expected to be employed in the Press when it commences production, and a larger number will have to be employed when it attains full production.

Shrimati Parvathi Krishnan: May I know whether orders have been placed for machinery for this Press and, if so, where?

Shri K. C. Reddy: Not yet, Sir.

Five Year Plan Publicity

*1506. **Shri Jadhav:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that some State Governments represented to the Centre that the Five Year Plan publicity should be entirely undertaken by the respective State Governments in order to avoid duplicity of work; and

(b) if so, the reaction of the Central Government to it?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). It would not be entirely correct to say that State Governments had made such a representation. The State Governments had raised the question of having certain sections of Five-Year Plan publicity carried on by the States themselves, on behalf of the Centre, in order to do that work more effectively. This matter was discussed at the recent Conference of the State Ministers and Directors of Information which was held in Delhi on the 29th and 30th of August. It was agreed in the Conference that fuller and more intimate coordination of Plan publicity should be achieved between the Centre and the States.

Shri Jadhav: May I know the amount that was spent by the Central Government and the respective State Governments for the Plan publicity in the year 1956-57?

Dr. Keskar: The Centre does not make any cash grant as such for publicity to the States.

Shri Jadhav: May I know how the amount spent by the Central Government is given?

Dr. Keskar: It requires a complicated account-making. It will take some time. I will require notice for that.

Shri Panigrahi: May I know whether the Information and Broadcasting Ministry is aware of the fact that recently our Prime Minister expressed his dissatisfaction over the nature of the publicity work and what are the measures that have been suggested by the Prime Minister to improve our Plan publicity?

Dr. Keskar: I am quite aware of that and, in fact, I may say that I am myself dissatisfied with the work done. But, there are difficulties which it is not so easy to overcome as the hon. Member thinks. We have been thinking of how best to expedite this work and make it more effective. That was exactly one of the reasons for calling this Conference of State Ministers at this time. And, I hope that with the new ways and means that have been devised we may be very much more effective.

Shri Ranga: Is it not a fact that this Five Year Plan is an All India one and as such each one of the separate States would naturally be more interested in that section of it with which it is directly concerned and, therefore, is it not in the interests of the whole of India and the Plan as a whole that the Government of India should have control over its publicity for the Five Year Plan?

Dr. Keskar: It is not for me to say whether it would be proper for the Government of India to control everything, but the general question posed by the hon. Member is correct. The States naturally will tend more to look to their own Plan, and it is essential to have an all-India outlook in this matter also. It is for that reason that a very intimate co-ordination between the publicity work and its objective is necessary.

Shri S. C. Samanta: Is it a fact that during the First Five Year Plan some State Governments pointed out to the Ministry of the overlapping of the programme? May I also know why the Government took so much time in deciding this at the last conference?

Dr. Keskar: It is not correct that it was pointed out some time back and we have done nothing about the matter. In fact, work was begun, if the hon. Members remember, 2½ years after the Plan began—I am talking of publicity work—and as work progressed it became evident to us that something parallel was being done by the State Governments also. Ever since that time we have been trying to see that overlapping is avoided as much as possible. I think such kind of overlapping has been reduced to the minimum now, and I hope soon there would be no such overlapping.

Shri Shankaraiya: Even though the post of a Publicity Officer has been sanctioned for Mysore, may I know why it has not been filled up? May I also know whether it has come to the notice of the Government that publicity has not been done properly in regard to planning in Mysore State?

Dr. Keskar: I do not know to which particular Publicity Officer the hon. Member is referring.

Mr. Speaker: Mysore.

Dr. Keskar: In Mysore there is not one officer but there are two or three officers working in various regions of Mysore. I am not sure to which particular officer the hon. Member is referring. If he will let me have the particulars I will look into the matter.

Shri Viswanatha Reddy: May I know whether it is a fact that Plan publicity is not felt in the villages because the impact of the Plan itself is not felt in the villages.

Dr. Keskar: That would be too sweeping and generalised a remark. There is no doubt that consciousness of the Plan is not so great in most of the villages as we would like it to be. It is a tremendous task if you want the message to be carried to all the villages. We have thought that, probably, the best way would be to get this done through the National Extension Service Blocks and the Community Development Projects. Ways and means are being devised to see that the Blocks serve as the main centres for bringing the Plan to the villages.

Shri Dasappa: May I know why the Government does not choose to make use of the touring talkies, which have practically extended themselves all over the rural areas, for the purpose of this publicity?

Dr. Keskar: Any touring cinema, as far as exhibition of documentaries is concerned, is treated just like any other cinema in the State concerned, and it has to exhibit a certain number of documentaries.

Shri Yajnik: I want to know if any amount is set apart for publicity work. The hon. Minister said that it was difficult for him to say the amount of money that is spent on this. Is no amount allocated every year for this?

Dr. Keskar: There are various types of publicity. Whether for a particular State we have given a certain amount of money or we have spent a certain amount of money in that State would require a little bit of calculation. I am prepared to do that if the hon. Member tables a separate question.

Shri Nath Pai: Is the hon. Minister aware that the new taxation proposals have made the nation more conscious of the Plan than what our publicity has done?

Displaced Persons in Gangakhadar

*1507. **Shri K. N. Pandey:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that about one-third of the Displaced Persons settled in Gangakhadar (Meerut) have already deserted and the rest are ready to go with whatever belongings they have, leaving the place as it was; and

(b) if so, the reasons of their doing so and whether Government are taking any steps in the matter?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Out of 1452 displaced families settled in Gangakhadar, 1069 families are still living there. There are no indications that these families intend to desert from their holdings.

(b) In a scheme like this some families are bound to desert. The occasional floods in the area and the difficulties of disposing of their main produce viz. sugarcane might have been additional reason for desertion. The State Government gives all possible assistance to those cultivators who suffer loss through floods. Displaced cultivators are not the only cultivators who suffer such losses

As for the disposal of the produce, a sugar factory is shortly to be set up in Hastinapur Licence to an entrepreneur has already been granted and he has taken steps to procure machinery.

Shri K. N. Pandey: May I know whether it is a fact that the licence was granted to the person concerned a year back and yet nothing has been done in that regard?

Shri Mehr Chand Khanna: I do not think so. I think the licence has been very recently granted, but I will look into the matter.

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आई है कि गंगा खादर कालोनी में जमीन का लगान बहुत ज्यादा है और यही कारण है कि वहां से लोग बाहर आ रहे हैं ? इसलिये क्या उत्तर प्रदेश सरकार को इस के बारे मे यह सलाह दी जायगी कि वह वहां लगान में कमी करने की कृपा कर ?

श्री मेहर चन्द खन्ना : जहां तक लगान का ताल्लुक है, यह उत्तर प्रदेश सरकार का काम है। अगर आनरेबल मेम्बर चाहते हैं, तो मै यह बात उस के नोटिस में लाने के लिये तैयार हूं।

Shrimati Renu Chakravartty: The hon. Minister said that the Government gives these refugees all help. May I know what actually is the help that Government has given after these difficulties were experienced by these people?

Shri Mehr Chand Khanna: This is a colonisation scheme of the U.P. Government. It is more than seven or eight years old. These families have been settled there all this time. When the floods come whatever normal help can be given to a flood affected area is being given to the displaced persons there, but we are making no discrimination between a displaced agriculturist and any other agriculturist settled in a colonised colony.

Dr. Sushila Nayar: Are the Government aware that there is a heavy incidence of malaria in this area and, if so, what steps have the Government taken to make a concentrated effort to control this disease?

Shri Mehr Chand Khanna: That does not arise out of this question.

Dr. Sushila Nayar: It does arise, because they can run away because of heavy incidence of malaria which disables them.

Shri Mehr Chand Khanna: I will pass on the information both to my colleague the Health Minister and the Government of Uttar Pradesh.

Cottage Match Industry

*1508. **Shri Yajnik:** Will the Minister of Commerce and Indusry be pleased to state the number of matchboxes manufactured as a result of the subsidies given by Government to the Cottage Match Industry during the last five years?

The Minister of Industry (Shri Manubhai Shah): A statement is laid on the Table of the Lok Sabha. [*See* Appendix IV, annexure No. 62]

सरदार अ० सिंह सहगल : मध्य प्रदेश में कोटा में जो काटेज मैच इंडस्ट्री चल रही थी, वह बराबर सबसिडी न मिलने के कारण बन्द हो गई। क्या उस को फिर से चलाने के प्रश्न पर विचार किया जायगा ?

श्री मनुभाई शाह : वह बन्द हो गई, वह सही है, लेकिन सबसिडी न मिलने से वह बन्द हो गई, यह गलत है।

Shri Tangamani: From the statement laid on the Table of the House we get only the figure of 2000 gross boxes as the estimated production per month. May we know the split-up for various States?

Shri Manubhai Shah: There are, as the House is aware, four sections of the match industry—class A, B, C and D. Class A is the large-scale sector and B, C and D are the small-scale sector. About 75 per cent of the production is today confined to the large-scale sector and 25 per cent to B, C and D classes.

Heavy Chemicals Industries in Durgapur

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*1599. { **Shri Ghosal:**
Shri Dasgupta:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of West Bengal has submitted any scheme for starting Heavy Chemicals Industries in Durgapur for producing caustic soda, soda ash, phenol, pthalic anhydride and coal tar chemicals;

(b) if so, whether the said scheme has been accepted; and

(c) if not, the reason therefor?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(*b*) and (c). It was not possible to accept the scheme for the utilisation of by-products as proposed by the West Bengal Government. The economics of the scheme for utilisation of by-products was not considered satisfactory as compared to other projects for the same products. However, the scheme has been accepted for setting up of the coke-oven plant and the establishment of a plant for coal tar distillation at Durgapur.

Shri Ghosal: What is the producing capacity of the coal tar distillation plant permitted to be set up in West Bengal?

Shri Satish Chandra: The by-products would be about 4·3 tons of ammonia, 4 tons of sulphuric acid, 4 tons of benzyne and 4 tons of naphthalene per day.

Shrimati Renu Chakravartty: What was the total commitment which the Government would have to make according to the plan which was submitted by the West Bengal Government for the production of these by-products?

Shri Satish Chandra: The original scheme was accepted in *toto*. It was examined in consultation with the State Government. Now the West Bengal Government has come forward with some suggestions for further processing of those by-products. It is considered that it will not be economic to set up very small units for which larger capacities are being licensed.

Shrimati Renu Chakravartty: What will be the employment potential if these caustic soda, soda ash, phenol, pthalic anhydride and coal tar chemicals are produced there?

The Minister of Industry (Shri Manubhai Shah): As per the estimate of the West Bengal Government, about 350 to 400 people.

Mr. Speaker: Shri Dasgupta. He is not there perhaps. Let him not get up later on and tell me that he has not been called.

Shrimati Renuka Ray: Is it a fact that the Chief Minister of West Bengal Government said that he was willing to go into the details of the process again, as regards coasts, etc., and that facility has been given to some firm in the private sector, whereas when the West Bengal Government, in the public sector, was willing to start this, it has been denied?

Shri Manubhai Shah: There have several conferences with the West Bengal Government and it will not be right to say that they are not agreeable to what we have been telling them. As a matter of fact in the last conference with the West Bengal Chief Minister, he has more or less, subject to certain adjustments, accepted our idea. The by-products utilisation scheme was so small. To give an instance—about five tons of caustic soda and chlorine which were there—it is completely out-of-date today in the present form of economic unit for the caustic soda production. As such, it was not that the private sector was given that plant and the Durgapur coke oven was denied.

Shri T. K. Chaudhuri: Has anything—any Plan—been sanctioned with regard to these industries in the private sector?

Shri Manubhai Shah: To give only one instance. For caustic soda-chlorine, the Ichhra factory of the ICI in Calcutta has been given a licence for 11 tons of caustic soda per day.

Shri T. K. Chaudhuri: Does ICI mean the Imperial Chemical Industries?

Shri Manubhai Shah: Yes.

Shri Naushir Bharucha: Under rule 48(3), may I request the Chair to direct the Prime Minister to answer question No. 1499 which stands in the name of Shri Kasliwal. It is a question on the international atomic energy agency. Shri Kasliwal was absent. It is an important question and perhaps the House would like to know the answer.

Mr. Speaker: I will leave it to the Prime Minister to answer it or not. I cannot insist on the Ministers to give an answer. It is open to them to accept it or not.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We will take less time to answer it than to argue about it.

International Atomic Energy Agency

*1499. **Shri Kasliwal:** Will the **Prime Minister** be pleased to state:

(a) whether the International Atomic Energy Agency has come into existence; and

(b) if so, when the first meeting of the General Conference of this Agency is proposed to be held?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) October 1, 1957.

Shri Dinesh Singh: In view of the importance of Question No. 1511,—

Mr. Speaker: I am not going to allow it. Every question is important. The hon. Members will recognise that the answers are all placed on the Table with respect to all questions which have not been reached or which may be passed over.

We will take up the Short Notice Question now.

SHORT NOTICE QUESTION AND ANSWER

Violation of Indian Territory by the Protugese Troops.

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S. N. Q. No. 23.
Shri H. N. Mukerjee:
Shri D. C. Sharma:
Shri S. M. Banerjee:
Shri Tangamani:
Shri Raghunath Singh:
Shri S. V. Parulekar:
Shri R. S. Lal:
Shri Achar:

Will the **Prime Minister** be pleased to state:

(a) whether his attention has been drawn to press reports regarding Protuguese troops in Daman violating

Indian territory and opening fire on the 27th and 28th August, 1957;

(b) whether such action followed a recent encounter between Portuguese troops and underground nationalist forces;

(c) whether it is a fact that an innocent villager was crushed to death by Portuguese jeeps as a reprisal; and

(d) what steps have been taken in regard to the happenings?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). In so far as information is available to us about certain occurrences in the Portuguese territory of Daman, the facts appear to be as follows:

On the 26th August at about midnight, a Portuguese military partrol jeep was blown up in an explosion by a land mine about three quarters of a mile from the Daman Fort. The jeep was blown to pieces and the occupants numbering six were all killed. Portuguese soldiers following in another jeep searched the vicinity and arrested an innocent villager of Village Dhandas inside Daman. This villager, whose name is reported to be Kanji Homi Bari, was thrown on the road and a jeep ran over him, crushing him Curfew was imposed in the locality.

Between midnight and 0330 hours on the 28th August, Portuguese border partol fired continuously for over three hours in the direction of Tarak Pardi post which is inside Indian territory. Several bullets entered Indian territory. The fire was not returned and there were no casulaties. Again at 0140 hours on the 29th August, Portuguese troops fired several rounds at Premavadi road post off Kunta in Indian territory. Some more rounds were fired at 0440 hours from Vad Chowkey which is in Portuguese territory. On all these occasions bullets entered Indian territory. The fire was not returned and there were non casualties.

On the 28th August at about 0130 hours Portuguese troops fired about ten to twelve rounds at our border patrol near Statosa post on the Savantvadi border. There were no casualties and the fire was not returned.

(d) No action has yet been taken by Government. In fact, while we are determined to prevent the violation of our borders by foreign elements, no effective action is possible against incidents of this kind. We have found from experience that notes of protest to the Portuguese Government are quite useless.

Shri H. N. Mukerjee: In view of the repeated and aggregious violations of international law and morality by Portugal, may I know if Government is seriously contemplating action other than registering protests and, if so, what roughly is such action likely to be?

Shri Jawaharalal Nehru: If the hon. Member refers to any possible action of the military kind, we are not contemplating any such action. Any other type of action that may be feasible will be taken.

Shri H. N. Mukerjee: The Prime Minister told us the other day that the Government was rather surprised at certain great powers supporting Portuguese colonialism in India. May I know if he will take it up with such powers, particularly those in the British Commonwealth, at the diplomatic level, especially when he told us himself that several Indian nationals are involved in all these happenings and they are in Portuguese prisons?

Shri Jawaharlal Nehru: Yes, Sir.

Shri Hem Barua: May I know if the Government's attention has been drawn to a recent communique issued by the Portuguese Overseas Ministry that in view of the fact that the Daman frontier on the Indian side is being reinforced with Indian troops they are reinforcing the frontiers on their side with troops brought there to special ship?

Shri Jawaharlal Nehru: I do not remember seeing that particular—

Shri Hem Barua: The communique.

Shri Jawaharlal Nehru: I know. I do not remember having seen it. So far as we are concerned, apart from reinforcing troops, there are no troops, so far as I know, on the Daman frontier. They are the police people.

Shri Tangamani: The other day, the hon. Prime Minister informed the House of such similar incident on the 14th and 15th. The press reports say that throughout August, such incidents have been mounting. In view of the seriousness of this, may I know whether Government will approach the Portuguese Government through the Egyptian Government which promised to extend their good offices?

Mr. Speaker: That is a suggestion for action.

Shri Jawaharlal Nehru: I do not quite understand, Sir, having approached the Portuguese Government for what I have to do. What am I to do?

Some Hon. Members *rose*—

Mr. Speaker: There have been enough questions about this matter.

WRITTEN ANSWERS TO QUESTIONS

General Agreement on Tariffs and Trade

*1490. **Shrimati Tarkeshwari Sinha:** Will the Minister of Commerce and Industry be pleased to state whether Government have invited suggestions for modifications of various concessions under the General Agreement on Tariffs and Trade, which is expring on the 31st December 1957 from the representatives of trade organisations in the country?

The Minister of Industry (Shri Manubhai Shah): Yes, Sir.

Pilot Sections in Ministries

*1510. **Shri Morarka:** Will the Prime Minister be pleased to refer to the Third Annual Report of the O. & M. Division (page 14) regarding the Pilot Sections in Ministries and state:

(a) whether Government have been able to assess the results achieved both qualitatively and quantitatively of this scheme;

(b) if so, what are the conclusions reached; and

(c) whether it is proposed to continue this experiment beyond August, 1957?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). An assesament of the results made recently showed that the experiment has, on the whole, justified expectations regarding improvement in the speed as well as in the quality of the work done. As, however, the successful working of the new type Sections depends largely on the quality of Section Officers manning them, it will not be possible to extend the experiment to any large extent until officers of the requisite calibre become available in sufficient number as a result of measures separately taken for the purpose. These measures include direct recruitment of larger number at the Section Officer's level through open competitive examinations and also an increase in the numbers promoted to the grade of Section Officer on the basis of competitive examinations for departmental candidates. Steps are also being taken to improve the arrangements for training. Meanwhile, the experiment will be continued on the same scale as at present and the results assessed periodically.

Per Capita Income

*1511. **Shri Dinesh Singh:**
Shri Raghunath Singh:
Shri R. S. Lal:

Will the Prime Minister be pleased to state:

(a) whether his attention has been drawn to the comments made by the Chief Minister of Uttar Pradesh, on the 12th August, 1957, on his answer to Starred Question No. 743 in the Lok Sabha, on the 9th August, 1957, concerning per capita income; and

(b) if so, will the position be clarified?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) The answer given on the 9th August, 1957, was intended to indicate the States which had tried to work out estimates of per capita income and the results thereof. The figures given in the statement laid on the Table of the House were in terms of "current" prices. They served to show the actual incomes of different states at the prices prevailing during the periods to which the estimates refer. They were not intended to show the trends of income at "constant" prices over time, in a particular State. The Chief Minister of Uttar Pradesh, in the U.P. Vidhan Sabha on the 12th August, 1957, gave figures of per capita income of his State at "constant" prices. These were correct for that purpose. The Chief Minister did not question the figures given in the Lok Sabha previously, which were in terms of "current" prices.

A statement showing the per capita income of U.P. at "current" as well as "constant" prices, is placed on the Table of the House [*See* Appendix IV, annexure No. 63]. Both these sets of figures were compiled and published by the State Government. They serve, however, different purposes.

It will be observed that at "constant" prices, the per capita income of Uttar Pradesh in 1948-49 was 249·4 and in 1954-55 it was 276·7.

Industrial Estates in Marathwada (Bombay)

*1512. **Shri Pangarkar**: Will the Minister of Commerce and Industry be pleased to state whether any Industrial Estates are proposed to be established in the five districts of Marathwada (Bombay)?

The Minister of Industry (Shri Manubhai Shah): Yes, Sir; one Estate at Nanded.

Cauvery Valley Paper Mills Ltd., Mysore

*1513. **Shri Siddiah**: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that the Cauvery Valley Paper Mills Ltd. in Mysore District is under compulsory liquidation;

(b) whether the Government of Mysore have represented to the Union Government to give financial assistance to revive the mills; and

(c) if so, the action taken in the matter?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir; this concern is understood to be under liquidation.

(b) and (c). The Government of Mysore approached the Union Government to provide financial assistance to revive the Mills, but after considering all relevant factors, it was not found possible to accede to the request. However, an endeavour is being made to get a suitable industrialist interested in this concern.

Disarmament Sub-Committee

*1514. **Shri D. C. Sharma:**
Shri M. R. Krishna:
Shri Mahanty:
Pandit M. R. Bhargava:
Shri Harish Chandra Mathur:
Shri Hem Barua:

Will the Prime Minister be pleased to state whether India in a written request had asked the Five-Power Disarmament Sub-Committee to hear India's views on Disarmament?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): Yes, Sir. The General Assembly passed a resolution about two years ago suggesting that the Disarmament Commission should consider various proposals, including those made by

India. Later, the Government sent a letter to the Secretary-General of the United Nations offering to express their views orally before the Commission.

U.S.A. Machine Tool Advisory Group

*1515. **Shrimati Tarkeshwari Sinha:**
Shri Mahanty:
Shri Bibhuti Mishra:
Shri Raghunath Singh:
Shri R. S. Lal:
Shri Ramakrishna Reddy:
Shri Radha Raman:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have invited a machine tool advisory group from the U.S.A. to make a comprehensive survey of the existing capacity and future requirements of the Industry;

(b) whether they have completed their work and submitted a report to Government;

(c) if so, the nature of the recommendations made and the action proposed to be taken thereon;

(d) whether the proposal to establish a heavy machine tool works on the lines recommended by the British Team of experts on heavy engineering has also been re-examined by the American experts; and

(e) whether there is any possibility of American capital participating in the development of machine tool industry in the country?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Yes, Sir; Government invited a team of Machine Tool experts from the U.S.A., to advise Government on the development of the Indian Machine Tool Industry. After completing their assignment, the Team left for the United States of America. Their Report is awaited.

(d) No, Sir.

(e) There is good possibility of American capital participating in the development of the machine tool industry. However, it is too early to estimate anything till the report is submitted by the American Machine Tool Team.

Indo-Pakistan Trade Agreement

*1516. **Pandit D. N. Tiwary:** Will the Minister of **Commerce and Industry** be pleased to state how far Pakistan is implementing the Indo-Pakistan Trade Agreement of 1957?

The Minister of Industry (Shri Manubhai Shah): I hope the Hon'ble Member will not press me for too precise a reply. I can only wish that we received a little more co-operation from our neighbour in realising the objectives of the agreement.

A. I. R. Cuttack

*1517. **Shri Sanganna:** Will the Minister of **Information and Broadcasting** be pleased to refer to the reply given to Starred Question No. 429 on the 27th May, 1957, in respect of the All India Radio, Cuttack, and state:

(a) whether the construction of the building has been completed;

(b) if so, whether the work of installing the equipment has started; and

(c) if not, the reasons therefor?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). The latest reports indicate that the building has come up to roof level and casting of the roof is in progress. The reasons for the delay are manifold:

(i) The possession of the land could not be effected for a long time because of the attitude of the local people.

(ii) Anti-central Government agitation in Orissa led to some damage to our technical installations and created a feeling of apprehension which delayed the beginning of work.

(iii) Contractors could not be found to take up the work and one was found with difficulty.

(iv) The monsoon is making the progress slow.

It is hoped to complete the installation during the coming winter.

Industrial Development of North Bihar

***1518. Shri Shree Narayan Das:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 140 on the 22nd May, 1957, and state:

(a) the number of nature of schemes of village and small scale industries for North Bihar submitted by the State Government, which have been sanctioned so far;

(b) the location of all such industries;

(c) whether the request of the State Government for a Central loan of Rs. 40 lacs has been finally considered and decision taken; and

(d) if so, the nature of such decision?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). A statement is laid on the Table of Lok Sabha. [*See* Appendix IV, annexure No. 64].

Educated Unemployed

***1519. Shri Harish Chandra Mathur:** Will the Minister of **Labour and Employment** be pleased to state:

(a) what is the total finance involved in the schemes for educated unemployed; and

(b) whether the schemes have been accepted by the Planning Commission?

The Deputy Minister of Labour (Shri Abid Ali): (a) A lump sum allocation of Rs. 5 crores has been made in the Second Five Year Plan for special schemes for educated unemployed.

(b) Yes, as pilot projects in the first instance.

Peaceful Uses of Atomic Energy

***1520. Shri Kasliwal:** Will the **Prime Minister** be pleased to state:

(a) whether the Advisory Committee on the Peaceful Uses of Atomic Energy have proposed to hold the Second International Scientific Conference on the Peaceful Uses of Atomic Energy; and

(b) if so, when and where?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) The Conference will be held from September 1 to 13, 1958, at Geneva.

Industrialists Delegation

***1521.** **Shri H. N. Mukerjee:**
Shri Vasudevan Nair:
Shri Kunhan:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a delegation of industrialists from India is visiting Europe and the United States;

(b) if so, the names of members of the delegation;

(c) the purpose of their visit; and

(d) the amount of foreign exchange allowed to the delegation?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) A statement is placed on the Table of Lok Sabha. [*See* Appendix IV annexure No. 65].

(c) To foster the climate for and stimulate the possibilities of economic and technical collaboration with overseas firms and agencies in setting up industrial undertaings in furtherance of the Second Five Year Plan.

(d) Rs. 2,29,470|-.

Anti-Untouchability Propaganda Programmes on A.I.R.

*1522. **Shri R. S. Murthy**: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether there is any project for anti-untouchability propaganda programmes on the All India Radio;

(b) if so, the frequency of the same; and

(c) the important subjects dealt with?

The Minister of Information and Broadcasting (Dr. Keskar): (a) All India Radio has been broadcasting, for many years now, programmes dealing with removal of untouchability.

(b) There is no fixed frequency.

(c) A list of important subjects dealt with is placed on the Table of Lok Sabha. [*See* Appendix IV annexure No. 66).

Asian Regional Nuclear Centre

*1523. **Shri Shivananjappa**: Will the **Prime Minister** be pleased to refer to the reply given to Unstarred Question No. 193 on the 23rd July, 1957 regarding the establishment of Asian Regional Nuclear Centre in Manila and state whether the Indian delegation which attended the Working Group meeting held at Washington, has submitted its report?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): Yes, Sir. The report is treated as confidential.

Outlay in Punjab under the Second Five Year Plan

*1524. **Shri D. C. Sharma**: Will the Minister of **Planning** be pleased to state:

(a) whether the outlay under the Second Five Year Plan for the reorganised State of Punjab has been fixed; and

(b) if so, the total amount fixed?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes, Sir.

(b) Rs. 162·68 crores.

Manufacture of Fertilisers

*1525. **Shrimati Tarkeshwari Sinha:**
Dr. Ram Subhag Singh:
Shri Kasliwal:
Shri Naushir Bharucha:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government propose to negotiate with Burmah-Shell for the supply of latter's Oil refinery gas for the manufacture of fertilizers in Bombay;

(b) the expected price that is proposed to be offered; and

(c) the amount of gas that will be made available?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir; negotiations are already under way.

(b) and (c). As these matters are still under negotiation, it will not be advisable to furnish the information.

Recasting of State Plans

*1526. **Shri Sanganna**: Will the Minister of **Planning** be pleased to state:

(a) whether a note was issued to all the State Governments to recast the plans in consequence of the reorganization of states; and

(b) if so, the progress made in this direction?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b) Shortly before the re-organisation of States came into effect, the Programme Administration Advisers of the Planning Commission discussed with the States concerned the lines—along which their development programmes under the Second Five Year Plan were to be recast. No discussions were held with States which were to be wholly integrated with other States, as their plans were not affected. Agreed conclusions were generally reached.

Statutory Bodies under the Ministry of Works, Housing and Supply

1261. **Shri Shree Narayan Das:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the names of statutory and *ad-hoc* bodies functioning under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of *ad-hoc* bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their work and submitted their reports since 1955 giving the dates of their constitution, the date of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports as are still under the consideration of Government; and

(f) the names of such *ad-hoc* bodies which are still functioning giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Minister of Works, Housing and Supply (Shri K. C. Reddy):

(a) Name of the Statutory and *ad-hoc* body	Enactments or Resolutions under which constituted and are functioning
1. Central Boilers Board	Boilers Act, 1923 (5 of 1923).
2. Rajghat Samadhi Committee . . .	Rajghat Samadhi Act, 1951.

(*b*) NIL

(*c*) Names of *ad-hoc* bodies including Committees & Commissions	Purpose for which constituted	Date of constitution	Date of submission of Report
1. Stores & Purchase Committee .	To examine the working, organisation, policy and procedure of the Central Purchase Organisation.	11-3-53	15-3-55
2. Committee of Experts . .	To determine the future of the Hindustan Housing Factory (P) Ltd.	16-10-55	27-10-56
3. (*i*) Committee on 'Cheap roofing and mud plaster for houses in villages'.		23-2-55	17-6-57
(*ii*) Expert Committee on 'Economy in use of cement in building construction'.		26-7-56	4-2-57
(*iii*) Working Panel on 'Development of Gypsum and Gypsum Products'.		22-10-55	4-5-56
4. A Board of Assessors . .	To select and recommend designs for the Mahatma Gandhi	7-4-56	18-5-57

(d) 1. Report of the Stores Purhcase Committee.

2. Committee of Experts to determine the future of the Hindustan Housing Factory (Private) Ltd.

3. (i) Committee on 'Cheap roofing and mud plaster for houses in villages.'

(ii) Expert Committee on 'Economy in use of cement in building construction.'

(iii) Working Panel on 'Development of Gypsum and Gypsum Products'.

(e) The recommendations of the Board of Assessors for the selection of a suitable design for the Mahatma Gandhi Memorial.

(f) Name of the body	Functions	Date of appointment	Date on which they have to submit report to Government
1. *Ad-hoc* Committee on sub-soil water in New Delhi.	To examine the question whether the water level in New Delhi is rising and if so, suggest what, if any, protective measures are necessary to safeguard the buildings in New Delhi.	September 1953	The Committee has submitted two interim reports and further reports will be submitted after certain experiments have been carried out. It is difficult to specify the date by which its final report will be ready.
2. Departmental Committee.	To determine the strength of staff of the Directorate General of Supplies and Disposals Organisation.	15-5-56	The Committee is expected to submit its report by the end of September, 1957.
3. Committee on 'Economy of Iron and Steel in building construction'.		23-10-56	Before the end of October, 1957.

Statutory Bodies under the Ministry of Rehabilitation

1262. Shri Shree Narayan Das: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the names of statutory and *ad-hoc* bodies functioning under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of *ad-hoc* bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their work and submitted their reports since 1955 giving the dates of their constitution, the date of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports which are still under the consideration of Government; and

(f) the names of such *ad-hoc* bodies which are still functioning giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) (i) Advisory Board set up under Section 31 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (No. 44 of 1954).

(ii) Insurance Claims Board set up under Section 18(2) of the Displaced Persons (Debts Adjustment) Act, 1951.

(iii) Faridabad Development Board set up in May, 1949, as a result of Cabinet decision of 25th May, 1949. In December, 1956, Faridabad Development Corporation Act, 1956 was passed to promote trade and industry in the township. The rules etc. of the Corporation are under preparation.

(b) Nil.

(c) Nil.

(d) to (f). Do not arise.

Statutory and *Ad-hoc* Bodies under the Ministry of Labour and Employment

1263. Shri Shree Narayan Das: Will the Minister of **Labour and Employment** be pleased to state:

(a) the names of statutory and *ad-hoc* bodies functioning under his Ministry giving reference to the resolutions or enactments under which those bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of *ad hoc* bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their work and submitted their reports since 1955 giving the date of their constitution, the date of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports which are still under the consideration of Government; and

(f) the names of such *ad hoc* bodies which are still functioning, giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (f) The information is being collected and will be placed on the Table of Lok Sabha.

Statutory Bodies under the Ministry of Information and Broadcasting

1264. Shri Shree Narayan Das: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the names of statutory and *ad-hoc* bodies functioning under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of *ad-hoc* bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their work and submitted their reports since 1955, giving the date of their constitution, the date of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports as are still under the consideration of Government; and

(f) the names of such *ad hoc* bodies which are still functioning giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (f). Information is being collected and will be laid on the Table of Lok Sabha.

Statutory Bodies under the Ministry of External Affairs

1265. Shri Shree Narayan Das: Will the **Prime Minister** be pleased to state:

(a) the names of statutory and ad-hoc bodies functioning under the Ministry of External Affairs giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of *ad-hoc* bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955, giving the date of their constitution, the date of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports as are still under the consideration of Government; and

(f) the names of such *ad-hoc* bodies which are still functioning giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) 1. Port Haj Committee, Bombay, constituted in accordance with the Port Haj Committees Act, 1932.

2. *Ad-hoc* Advisory Committee called the Central Haj Committee set up to advise Government on matters relating to pilgrimage to the Hejaz.

3. *Ad-hoc* Advisory Committee set up to advise Government on the question of supplying furnishings etc. to the Indian Missions abroad.

(b) Nil.

(c) An *ad-hoc* Advisory Committee was set up in 1954 under the Chairmanship of Rajkumari Amrit Kaur to advise on the supply of furnishing etc. for the Indian Missions abroad. The recommendations were received in April, 1955.

(d) A statement showing the recommendation made by them in brief is laid on the Table of the Lok Sabha and necessary action for their implementation has been taken. [*See* Appendix IV, annexure No. 67).

(e) Nil.

(f) Nil.

Statutory Bodies under the Ministry of Commerce and Industry

1266. Shri Shree Narayan Das: Will the Minister of Commerce and Industry be pleased to state:

(a) the names of statutory and *ad-hoc* bodies which are functioning at present under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of *ad-hoc* bodies including committees and commissions which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955 giving the date of their constitution, the date of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports as are still under the consideration of Government; and

(f) the names of such *ad-hoc* bodies which have not yet completed their work, giving the dates of their appointment and the dates on or before which they are required to submit their reports to Government?

The Minister of Industry (Shri Manubhai Shah): (a) to (f). A statement is laid on the Table of Lok Sabha. [*See* Appendix IV annexure No. 68).

Manufacture of Mattress and Bristle Fibre

1267. { **Shri Siddananjappa:**
Shri Kumaran:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the States visited and the work done so far by the delegation appointed to study the possibilities of producing matters and bristle fibre in India;

(b) whether the delegation has completed its work and submitted any report; and

(c) if so, the main findings of the delegation?

The Minister of Industry (Shri Manubhai Shah): (a) The delegation appointed by the Coir Board to study the possibilities of producing mattress and bristle fibre in India visited coconut growing areas in West Bengal, Orissa and Andhra in November 1956 and Bombay, Mysore and Madras in December 1956.

(b) and (c). The delegation has not yet submitted its report.

Rickshaw Pullers

1268. **Shri S. M. Banerjee:** Will the Minister of **Labour and Employment** be pleased to state the total number of rickshaw pullers (both hand and cycle) in each State?

The Deputy Minister of Labour (Shri Abid Ali): The available information for the year 1956 is:—

Serial No.	Name of State/Union Territory	Number of rickshaw pullers
1.	Andhra Pradesh	23,839
2.	Assam	1,789
3.	Bombay	621
4.	Madhya Pradesh	11,473
5.	Madras	6,324
6.	Orissa	11,284
7.	Punjab	15,746
8.	Kerala	2,291
9.	West Bengal	40,306
10.	Mysore	266
11.	Rajasthan	2,374
12.	Jammu & Kashmir	..
13	Himachal Pradesh	..
14.	Tripura	1,603
15.	Manipur	400
16.	Delhi	1,889
17.	Andaman & Nicobar Islands	..

Rabindra Sangeet in A.I.R.

1269. **Shri S. M. Banerjee:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the steps that have been taken to popularise Rabindra Sangeet through All India Radio; and

(b) whether there is a proposal to bring some artistes from Calcutta and observe a week for popularisation of Rabindra Sangeet?

The Minister of Information and Broadcasting (Dr. Keskar): (a) To facilitate broadcasting of Rabindra Sangeet, a Studio has been opened at

Santiniketan from which programmes produced and presented by the Visva Bharati Music Board authorities in close co-operation with All India Radio Staff are broadcast over the Calcutta Station. Special programmes from Santiniketan Studios, including Rabindra Sangeet, are broadcast on special occasions and are relayed by some other Stations of All India Radio.

(b) There is no proposal to observe a week. However, Rabindra Sangeet artists are often invited to participate in Radio Sangeet Sammelans, Concerts and National Programmes broadcast from Delhi Station of All India Radio. Rabindra Sangeet being in Bengali its all-India scope is limited.

Indian Freedom Struggle Concert

1270. Shri Dharmalingam: Will the Minister of **Information and Broadcasting** pleased to state:

(a) whether a concert of patriotic and heroic music was held to celebrate the centenary of the Indian Freedom Struggle by the All India Radio on the 14th August, 1957;

(b) if so, the languages in which it was conducted;

(c) whether Tamil was one among them; and

(d) if not, the reasons thereof?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) to (d). The programme which consisted of musical items was not conducted in any particular language nor was it framed on a linguistic basis. The question why a particular language was not included does not, therefore, arise.

Indians in Uganda

1271. Shri Hem Barua: Will the **Prime Minister** be pleased to state the number of Indians in Uganda and their economic position?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): According to the 1948 census, there were 33,767 Indian in Uganda.

Economically, the Indians in Uganda are well off and are mainly occupied in trade. They also have large interests in cotton ginning and sugar industries and in coffee and tea plantations. They own property in towns and about 200,000 acres of cultivable land. There are also many Indian lawyers, doctors, teachers and artisans in Uganda.

Purchase of Buses

1272. Shri Bibhuti Mishra: Will the Minister of **Commerce and Industry** be pleased to state the total amount spent on the purchase of buses in 1957 so far in private and public sectors in foreign countries?

The Minister of Industry (Shri Manubhai Shah): The information in regard to the total amount spent on the purchase of buses in 1957 so far in private and public sectors in foreign countries is not available. However, licences have been issued during January-June 1957 to the tune of Rs. 394 lakhs for trucks in the private sector and Rs. 403 lakhs for trucks and chassis in the public sector.

Slum Clearance in Bangalore

1273. { **Shri Keshava:**
Shri Siddiah:

Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 135 on the 17th May, 1957 and state:

(a) which of the schemes submitted by the Bangalore City Corporation for slum clearance and improvement have been finalised; and

(b) the total amount contributed by the Centre by way of subsidy and long term loans in respect of the schemes that have been finalised?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) None of the 17 slum clearance projects mentioned in reply to starred question No. 135 answered on 17-5-1957 has yet been finalised. The Projects were returned to Bangalore City Corporation for revising the layouts and plans *as required in terms of the Slum* Clearance Scheme and are still awaited.

(b) Does not arise.

"Ajkal" Magazine

1274. Shri Jhulan Sinha: Will the Minister of Information and Broadcasting be pleased to state the present position of the Hindi and Urdu publication of "Ajkal" regarding the income and expenditure?

The Minister of Information and Broadcasting (Dr. Keskar): The figures of income and expenditure during 1956-57 on the Ajkal (Hindi) were Rs. 50,227 and Rs. 98, 394 respectively. For the Ajkal (Urdu) the figures were Rs. 24,145 and Rs. 59,393.

लाजपतनगर बस्ती, लखनऊ

१२७५. श्री सरजू पांडे : क्या पुनर्वास तथा अल्प संख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि लखनऊ की लाजपतनगर बस्ती में विस्थापित व्यक्तियों के लिये बनाये गये क्वार्टर नीलाम किये जा रहे हैं ;

(ख) एक क्वार्टर के बनाने पर कितना व्यय पड़ा ;

(ग) उसमें रहने वाले व्यक्ति को कितना किराया देना पड़ता है ;

(घ) अब तक प्रति क्वार्टर के हिसाब से कितना रुपया वसूल किया जा चुका है ; और

(ङ) उन क्वार्टरों के नीलाम हो जाने बाद इन विस्थापित व्यक्तियों को बसाने के लिये क्या सरकार के सामने कोई योजना है ?

पुर्नवास तथा अल्प संख्यक-कार्य मंत्री (श्री मेहर चन्द खन्ना) : (क) कुल २४४ क्वार्टरों में से २०७ क्वार्टर दावेदार शरणार्थियों को उनके मुआवजे के बदले में उन्हें हस्तांतरित किये जा रहे हैं । बाकी मकान बेचे जा रहे हैं क्योंकि उनमें रहने वाले व्यक्तियों ने मुआवजे की योजना के मातहत इन्हें खरीदने से इन्कार कर दिया है ।

			रुपये
(ख)	(१)	दूकान तथा मकान	३,६४६
	(२)	ऐक्सपेरीमेंटल क्वार्टर	३,८९६
	(३)	ए टाइप क्वार्टर	६,०५२
(ग)	(१)	दूकान तथा मकान	११
	(२)	ऐक्सपेरीमेंटल क्वार्टर	११
	(३)	ए टाइप क्वार्टर	२०
(घ)		औसतन किराया जो कि लिया गया	
	(१)	दूकान तथा मकान	८००
	(२)	ऐक्सपेरीमेंटल क्वार्टर	८००
	(३)	ए टाइप क्वार्टर	१,०००

(ङ) जी नहीं, क्योंकि नीलामी के जरिये बेचे गये मकानों में जायज तौर पर रहने वाले लोगों को दो साल से पहले न हटाये जाने की खास रियायत है । इस मियाद के बाद उन्हें राज्य सरकारों के साधारण किराया नियमों के अनुसार सुविधाय प्राप्त होंगी ।

Cottage Industries

1276. Shri Venkatasubbaiah: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of various cottage industries started on co-operative basis that are receiving financial aid from the All India Khadi and Industries Commission in the various States so far; and

(b) how many have applied for financial assistance during the year and the amount sanctioned so far?

The Minister of Industry (Shri Manubhai Shah): (a) A statement showing the number and description of cottage industries which have so far been organised on co-operative basis in the various States and which are receiving financial assistance from the Khadi and Village Industries Commission is laid on the Table of the House. [*See* Appendix IV, annexure No. 69].

(b) During the current year, 1957 co-operative societies have applied for financial assistance. Assistance amounting to Rs. 231,349 as grants and Rs. 1,41,750 as loans has so far been accorded to 46 societies.

Ambar Charkha Programme

1277. Shri Venkatasubbaiah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of Ambar Charkha *Parishramalayas* and *Vidyalayas* that have been started in Andhra Pradesh during 1956-57; and

(b) the quantity of yarn produced and the number of people working in these *Parishramalayas?*

The Minister of Industry (Shri Manubhai Shah): (a) (i) *Parishramalayas*:

There are 29 Parishramalayas with 138 branches.

(ii) *Vidyalayas*:

For Karyakartas or instructors	3
For Carpenters	1

(b) (i) *Yarn Produced*:

35,000 lbs.

(ii) Spinners *Parishramalayas*:

1. Admitted	7,019
2. Trained	5,300
3. Under training	1,719

After completion of training the spinners work not in the *Parishramalayas* but in their homes.

Tobacco Export

1278. Shri Narappa Reddy: Will the Minister of **Commerce and Industry** be pleased to state the quantity of tobacco exported from India State-wise during 1956-57 by individuals, the State Trading Corporation, and the Indian Leaf Tobacco Development Company?

The Minister of Industry (Shri Manubhai Shah): Available information in this regard is laid on the Table of Lok Sabha. [*See* Appendix IV, annexure No. 70].

Displaced Families at Duhalia Camp, Assam

1279. Shrimati Renu Chakravartty: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether 750 displaced families residing in Duhalia Colony Block No. 1—5 Assam were promised 10 bighas of cultivable land in the plains;

(b) how much land has been given to them;

(c) whether any bonds for loans have been executed by them;

(d) if so, how much of this loan has been paid; and

(e) whether any demand for and enquiry in the affairs of this colony has been made?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) No.

(b) 6 to 8 bighas per family. Efforts are however being made to increase the holding of each family to 10 bighas.

(c) Yes.

(d) Rs. 8,78,871.

(e) No.

Employees Provident Fund Scheme

1280. Shri Sanganna: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Employees Provident Fund Scheme of 1952 has been extended to the Seasonal employees in the Sugar Factories of Orissa;

(b) if so, what is the amount of retaining allowance paid during the off season to the workers in the years 1956 and 1957 so far;

(c) the amount contributed towards the Provident Fund for these two years; and

(d) the aggregate Provident Fund standing to the credit of the employees of each factory at the end of the year 1956-57?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes. (but only one Sugar Factory covered)

(b) 1956—Rs. 626.
1957—not yet paid

(c) 1956—Rs 5,039

1957—Rs. 11,469—(until June)

(d: *Jeypore* Sugar Factory—Rs 55,788.

Aluminium Industry

1281. Shri B. S. Murthy: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any steps had been taken to develop the aluminium industry in Andhra during the First Five Year Plan; and

(b) if so, what were they?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). There was no proposal in the First Five Year Plan for the development of the Aluminium Industry in Andhra.

Regional Small Industries Service Institutes

1282. Shri Sanganna: Will the Minister of **Commerce and Industry** be pleased to state what is the outlay on each of the Regional Small Industries Service Institutes established so far?

The Minister of Industry (Shri Manubhai Shah): A statement is laid on the Table of Lok Sabha [*See* Appendix IV, annexure No. 71].

Industrial Estates

1283. Shri Sanganna: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of India have advanced any loan to the Government of Orissa for the establishment of industrial estates in Orissa; and

(b) if so, to what extent?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) A loan of Rs. 6,54,250 was advanced to the Government of Orissa in 1956-57 for the establishment of an Industrial Estate in Cuttack

'बड़ा होती'

१२८४. **श्री भक्त दर्शन:** क्या प्रधान मंत्री २०, अगस्त १९५६ के तारांकित प्रश्न संख्या १२०८ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि उत्तर प्रदेश के गढ़वाल जिले में तिब्बती सीमांत पर स्थित बड़ा होती के प्रश्न पर चीन की सरकार से चल रही बात-चीत के सम्बन्ध में क्या प्रगति हुई है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : इस सवाल पर बातचीत करने के लिये चीन सरकार ने एक प्रतिनिधि दिल्ली भेजना स्वीकार कर लिया है। लेकिन उन्होंने अभी तक मीटिंग की निश्चित तारीख नहीं बताई है। हमने उन्हें फिर याद दिलाई है।

Aid for Displaced Persons in Andamans

1285. Shri Raghunath Singh: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state whether any amount to rehabilitate 300 displaced labourers was granted to Andaman Industries Ltd., to run a plywood factory and saw mill in Port Blair (Andamans)?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): The matter is still under consideration.

Small and Medium Scale Industries

1286. Shri Subbiah Ambalam: Will the Minister of **Commerce and Industry** be pleased to state whether Government contemplate to introduce any special documentation service for the use of small and medium scale industries as distinct from the Indian National Scientific Documentation Service, on the lines similar to that being offered by the office of Technical Services Department of Commerce, Washington (U.S.A.)?

The Minister of Industry (Shri Manubhai Shah): The Government of India have published pamphlets pertaining to different industrial products and processes. Technical libraries containing magazines and periodicals from advanced countries are proposed to be attached to the Regional Small Industries Service Institutes. The T.C.M. Authorities in New Delhi have organised a Technical Library to help industrialists in their problems of management and technique.

In view of the above, there is no proposal at present to initiate any special documentation service for small and medium scale industries in India.

Central Committee of Atomic Research Scientists

1287. Shri Ghosal: Will the **Prime Minister** be pleased to state:

(a) whether there is any co-ordinating Central Committee of Atomic Research Scientists of different Atomic Research Centres of India: and

(b) if so, whether the research work on atomic energy is done under their direction?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Co-ordination of research in connection with the development of atomic energy is effected by the Department of Atomic Energy. The Department is assisted by various advisory committees of which leading scientists are members. In addition, the Department is represented on the governing bodies or managing committees of various scientific institutions which conduct research into the subject.

External Publicity Department

1288. Shri Sinhasan Singh: Will the **Prime Minister** be pleased to state:

(a) whether the publicity department of the External Affairs Ministry is still a temporary establishment;

(b) for how many years it has been working as a temporary department; and

(c) whether Government propose to make it permanent?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a), (b) and (c). The External Publicity Division of the Ministry of External Affairs was established in 1948. It is responsible for administering Information Service overseas. At present all the categories of Information Officers, namely, Public Relations Officers, Press Attaches, Assistant Press Attaches and Information Assistants do not constitute a permanent cadre of the Information Service. With the exception of Information Assistants who are non-gazetted and purely temporary, the other officers are engaged on a contract renewable every five years. All the Information Units abroad are temporary and continue on year-to-year basis. The Government are actively considering the question of placing the Information Service in some permanent cadre.

सांडों का आयात और निर्यात

१२८९. श्री मोहन स्वरूप : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४–५५, १९५५–५६ तथा १९५६–५७ में भारत से प्रत्येक देश को कितने सांड निर्यात किये गये और उनका कितना मूल्य है ; और

(ख) उक्त अवधि में प्रत्येक देश से कितने सांडों का आयात हुआ और उनके लिये कितना मूल्य दिया गया ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) जिन सांडों के निर्यात की अनुमति दी गई है उनकी संख्या का एक विवरण सभा में नत्थी है। वास्तव में हुए निर्यात और मूल्य के आंकड़े उपलब्ध नहीं हैं। [देखिये परिशिष्ट ४, अनुबन्ध संख्या ७२]

(ख) यह जानकारी उपलब्ध नहीं है

Small Tea-Holding in Kerala

1290. Shri Maniyangadan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of applications received by the Tea Board from small holders from Travancore-Cochin area of the Kerala State since August 1955, for registration of their holdings;

(b) the number of such holdings that have been registered;

(c) whether any application has been rejected; and

(d) if so, the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a), (b), (c) and (d). Information is being collected and will be laid on the Table of Lok Sabha.

Children's Films

1291. Shri D. C. Sharma: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether his attention has been drawn to the suggestion of the Prime Minister that children's films should be made about rivers, mountains, birds and animals; and

(b) if so, whether Government propose to consider the matter?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Yes, Sir. The attention of the Children's Film Society has been drawn to it

Indian Rare Earths' Factory, Alwaye

1292. { **Shri Vasudevan Nair:**
Shri Kunhan:
Shri A. K. Gopalan:

Will the **Prime Minister** be pleased to state:

(a) whether the management of Indian Rare Earths' Factory at Alwaye have recognised any Union of their employees;

(b) if not, the reasons therefor;

(c) whether the Indian Rare Earths' Employees' Association, Alwaye has submitted any memorandum of Demands to the management of the factory; and

(d) if so, what are the demands and the action taken thereon?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Indian Rare Earths (Private) Ltd., have not recognised the union of its employees known as "Indian Rare Earths' Employees' Association". The Company deals with products of strategic importance for the development of atomic energy and as the office bearers of the Association are dominated by non-employees of the Company, the Board of Directors of the Company have decided not to recognise the Association.

(c) and (d). A copy of the Memorandum of Demands received from the Indian Rare Earths Employees' Association in April 1957 is laid on the Table of the House. [*See* Appendix IV, annexure No. 73]. The matter is at present before the Conciliation Officer (Central), Cochin.

Portuguese Case in the International Court of Justice

1293. **Shri Raghunath Singh:** Will the **Prime Minister** be pleased to state on what date Portugal's case against India before International Court of Justice at Hague is coming for hearing?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): On 23rd September, 1957 the Court will begin the oral hearing of our plea that the Court has no jurisdiction in this matter.

Faridabad Township

1294. **Shri Radha Raman:** Will the **Minister of Rehabilitation and Minority Affairs** be pleased to state:

(a) whether any fire took place at Faridabad recently;

(b) if so, its magnitude and the amount of loss to private and public property separately;

(e) whether there was adequate fire-fighting arrangement in the township; and

(d) if not, whether Government propose to make adequate fire-fighting arrangements there to avoid recurrence of such fire in future?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) One shed in a factory was involved. No loss of public property occurred. Authentic figures of loss of private property are not available.

(c) The factories had their own fire fighting equipment, viz. fire extinguishers, buckets of sand etc. Water was also made available by canvas hose from the nearby hydrants. A fire brigade was also called from Delhi.

(d) A proposal for setting up a fire station has been approved.

Atomic Energy Programme

1295. **Shri D. C. Sharma:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Department of Atomic Energy is working on a 15 year programme for the development of atomic energy in the country as stated by Dr. H. J. Bhabha, Chairman of the Atomic Energy Commission, recently at Bombay; and

(b) if so, whether any plan has been worked out in this regard?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) The plan has not yet taken definite shape and its main features are yet to be settled.

Aid for Small Scale Industries

1296. **Shri Siddananjappa:** Will the **Minister of Commerce and Industry** be pleased to state:

(a) the amount of grants and loans actually paid during 1956-57 to State Governments for schemes for the development of small scale industries (State-wise);

(b) the number of such schemes and their nature (State-wise); and

(c) the amounts actually utilised by the various State Governments during the same year?

The Minister of Industry (Shri Manubhai Shah): (a), (b) and (c). A statement is laid on the Table of Lok Sabha. [*See* Appendix IV, annexure No. 74].

श्रीगंगानगर जिले में देहाती दावे

१२९७. श्री प० ला० बारूपाल : क्या पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) श्रीगंगानगर जिले में देहाती दावे मंजूर कराने के लिये पुनर्वास विभाग को कितने प्रार्थना पत्र प्राप्त हुए हैं और उन पर क्या कार्यवाही की गई है ; और

(ख) ऐसे विस्थापित व्यक्तियों की सहायता करने के लिये जिनके कोई दावे नहीं है और जिन्हे अब तक सरकार से कोई सहायता नहीं मिली है, सरकार क्या कार्यवाही कर रही है ?

पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री (श्री मेहरचन्द खन्ना) : (क) यह जानकारी इस समय उपलब्ध नहीं है । रजिस्टर किये गये दावों के आंकड़ों का संकलन भारत के जिलों के आधार पर जहां कि ये दावे रजिस्टर हुए नहीं किया जाता, बल्कि इनका संकलन पाकिस्तान के जिलों के आधार पर जहां कि जायदादें थीं, किया जाता है । इस जानकारी के एकत्रित करने में जितना खर्च और मेहनत लगेगी, उसके बराबर प्राप्त होने वाला परिणाम नहीं होगा ।

(ख) जब से इस मंत्रालय की स्थापना हुई है, तब से विस्थापित व्यक्तियों को पुनर्वास तथा सहायता की सुविधायें दी जा रही हैं । इनका ब्योरा मंत्रालय की वार्षिक रिपोर्टों में दिया गया है । जिस वर्ग के विस्थापितों का जिक्र माननीय सदस्य ने किया है, उस के अलग आंकड़े नहीं रखे गये हैं ।

Indian High Commission, London

1298. **Shri Jadhav:** Will the Prime Minister be pleased to state:

(a) the total number of employees in the Office of the Indian High Commissioner in London;

(b) how many of these are Indians and how many are foreigners;

(c) whether it is a fact that the foreign staff has asked for increase in their salaries; and

(d) whether it is a fact that due to the economy drive some of the Indian employees are being retrenched or transferred from the Office?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) 1288.

(b) Indian 774 (including 225 India-based) Foreigners 514.

(c) Consequent on the U.K. Treasury's announcement of pay increase for certain grades of Civil Services in the United Kingdom in July 1955, the Indian High Commission asked for the grant of increase in pay to their locally recruited staff of both Foreign and Indian nationality. The increase was granted to certain grades of employees in the High Commission in November 1956. It has now been decided that the increase should be granted to other grades also provided, where an officer is enjoying exemption from the U.K. Income tax resulting in his net salary being much higher than that of his colleagues, the pay increase will not be given, except in so far as is necessary to bring his net emoluments in line with those of his colleagues. Orders to this effect are being issued. No separate request from the foreign staff has been received in this regard.

(d) All Missions abroad have been asked to consider reduction of staff both India-based and locally recruited and, where possible, to replace India-based staff by locally recruited personnel consistent, with the requirements of security. Detailed proposals from the High Commission in London are still awaited. Some posts of Officers are already being held in abeyance as a measure of economy.

National Industries Development Corporation

1299. **Shri Ghosal:**
Shri Dasgupta:

Will the Minister of Commerce and Industry be pleased to state:

(a) what are the chemicals expected to be produced by the National

Industries Development Corporation (Private) Ltd.; and

(b) when the production will start and in what quantities?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The National Industries Development Corporation (Private) Ltd. is engaged in discussions with a few foreign firms regarding the manufacture of intermediates for dye stuffs and drugs. It is too early to anticipate the final shape and the time schedule for implementing the project.

Training of Creche Nurses

1300. Dr. Ram Subhag Singh: Will the Minister of **Labour and Employment** be pleased to state:

(a) the number of girls trained so far as creche nurses at Dhanbad under the Coal Mines Welfare Fund;

(b) how many of them have been appointed as creche nurses;

(c) the total amount of money so far spent on the training programme;

(d) whether any money has been realised from the collieries which have appointed trained nurses; and

(e) how many of the trained creche nurses are still without any job?

The Deputy Minister of Labour (Shri Abid Ali): (a) 362.

(b) 242.

(c) Rs. 1,08,471.

(d) Yes. A sum of Rs. 1,24,000.

(e) Information is not readily available.

Coal Mines Welfare Organization, Dhanbad

1301. Dr. Ram Subhag Singh: Will the Minister of **Labour and Employment** be pleased to state:

(a) the total number of gazetted officers appointed under the Coal Mines Welfare Organisation at Dhanbad;

(b) how many of them were selected through the U.P.S.C.; and

(c) how many of them were promoted from non-gazetted posts by Departmental Promotion Committee?

The Deputy Minister of Labour (Shri Abid Ali): (a) 65.

(b) 45.

(c) 3.

Film on the Struggle for Freedom

1302. **Shri E. V. K. Sampath:**
Shri Dharmalingam:
Shri Tangamani:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the Films Division recently released a film depicting the various stages, places and persons connected with the Struggle for Freedom;

(b) if so, whether any person or place of South India has any reference in the film; and

(c) if not, the reasons thereof?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir. A film prepared under the guidance of the 1857 Centenary Committee was released.

(b) & (c). The film depicted important episodes of the freedom struggle without any regional significance. It is being reviewed to include such additional episodes and personages as would make it more comprehensive.

PAPER LAID ON THE TABLE

AMENDMENT TO DEVELOPMENT COUNCILS (PROCEDURAL) RULES

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table, under sub-section (4) of Section 30 of the Industries (Development and Regulation) Act, 1951, a copy of the Notification No. S.R.O. 1957, dated the 8th June, 1957, making certain amendments to the Development Councils (Procedural) Rules, 1952.

[*Placed in Library*. **See No. S-244/57**]

MINUTES OF RULES COMMITTEE

Dr. Sushila Nayar (Jhansi:) I beg to lay on the Table a copy of Minutes of the sitting of the Rules Committee held on the 31st August, 1957.

[*Placed in Library.* See No. S-247/57].

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

> ‘In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I, am directed to return herewith the Finance (No. 2) Bill, 1957, which was passed by the Lok Sabha at its sitting held on the 28th August, 1957, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

PETITION *re.* INDIAN POST OFFICE SAVINGS BANK RULES

Shri Rami Reddy (Cuddapah): I beg to present a petition signed by a petitioner relating to amendment of Indian Post Office Savings Bank Rul-

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

AMOUNTS PAYABLE BY INDIA TO PAKISTAN

Shri Balkrishna Wasnik (Bhandara-Reserved—Sch. Castes): Under Rule 197, I beg to call the attention of the Minister of Finance to the following matter of urgent public importance and I request that he may make a statement thereon:

> "The statement made by the Finance Minister of Pakistan regarding amounts payable by India to Pakistan."

The Minister of Finance (Shri T. T. Krishnamachari): Mr. Speaker, Sir, with your permission, I propose to make a short statement on the outstanding financial issues between India and Pakistan in regard to which I answered a question on the floor of this House on the 8th of last month. Since then certain statements have been made in the Pakistan National Assembly which may convey a wrong impression.

The House will remember that in August last year, a statement was laid on the Table of the House listing the more important of the outstanding financial issues. These were last discussed in May 1951 between the Finance Ministers of the two countries. They have been the subject matter of a number of subsequent discussions at Sescretariat level; but, for a variety of reasons into which I do not think it is now necessary to enter, it has not been possible to arrange a meeting at Ministerial level. In March, 1955 my predecessor invited the then Pakistan Finance Minister for a discussion, but owing to his other preoccupations, he was unable to come. About a fortnight back, I received a suggestion from the Pakistan Finance Minister that we should meet and discuss the outstanding issues. I have accepted his suggestion and I hope that the meeting will take place as soon as possible after I return from my impending visit to the United States and Europe.

The outstanding issues between the two countries fall into three broad categories. The first relates to the determination of partition debt. Our estimate of this debt, so far as it concerned the two Central Governments, is that it will be of the order of about Rs. 300 crores. If the debt arising out of the partition of the province is also taken into account, it may be higher. The figure I mentioned gives only the order of the sum involved. The partition debt at the Centre is repayable in 50 equated instalments, the first of which fell due on the 15th August, 1952. Six instalments are today overdue. In the Budget for 1952-53, we took credit for a payment of

Rs. 9 crores on this account. Even on this very rough and clearly low figure, the amount overdue is over Rs. 50 crores.

The second category deals with matters arising out of the separation of the currencies of the two countries. The most important item is the assets remaining to be transferred out of the assests of the Issue Department of the Reserve Bank of India. The value is about Rs. 49 crores. The other items are relatively small and do not involve any substantial amount.

The third category relates to what may be broadly called post-partition transactions. A large volume of payments have been made in each country on behalf of the other which will have to be cleared up. On our side, the sum is of the order of Rs. 23 crores. I do not know what the sum on the Pakistan side is. All this will have to be gone into with the assistance of the Auditors General on both sides. Then we have a sum of Rs. 16.5 crores due to us on account of Defence stores supplied after partition to Pakistan for which, under an agreement entered into in May, 1948, they are due to pay us. There are also some rupee balances held by Pakistan in India about which there has been some argument. The sum thus held amounts to about Rs. 13 crores.

I do not wish to weary the House with a recital of the less important items. It is our intention to discuss all these items, both major and minor, in a frank and friendly way and strive to reach an overall settlement. I do not, 'therefore, wish to say any thing or take up any position in regard to any individual matter falling to be discussed, whatever the temptation or the provocation for it, which might in any way affect the discussion which we propose to have with the Pakistan Government . I only wish to emphasise that on the major outstanding issues, we should reach an overall settlement fair to both the countries. This will be our approach at the ensuing meeting.

LEGISLATIVE COUNCILS BILL—*contd.*

Mr. Speaker: The House will now resume further discussion on the Legislative Councils Bill, 1957. Out of 8 hours allotted for all stages of the Bill, 1 hour and 41 minutes have already been availed of and 6 hours and 19 minutes now remain. May I know the sense of the House as to how much time should be allotted to each stage of the Bill?

Shri Nagi Reddy (Anantapur): I want to submit that new and major amendments have been proposed by the Minister which have reached us this morning. Therefore, it becomes essential to have a general discussion for a longer time and also to increase the number of hours allotted to the Bill I think some kind of adjustment should be made to increase the time first and then consider the time for each stage.

Sardar A. S. Saigal (Janjgir): You have allotted 8 hours for this Bill. I would request you to extend it by 2 hours more.

Shri Naushir Bharucha (East Khandesh): May I suggest 5½ hours for the first reading, 3 hours for the second reading, ½ hour for the third reading and the time be extended by one hour?

Mr. Speaker: What is the need for 5½ hours for the general discussion? There is no uniform rule with respect to each stage. I will give an opportunity to two or three Members to discuss the matter and come to a conclusion with respect to the time for each stage and then persuade the House to accept it or not to accept.

Shri Mohamed Imam (Chitaldrug): We oppose the entire Bill.

Mr. Speaker: The hon. Member will throw it out when I put it to the

[Mr. Speaker]

vote of the House. A general discussion of such a nature as to whether there ought to be a Council or not has been before the House on a number of occasions. A resolution was put forward here by Mr. Gurupadaswamy from the PSP Party and the whole day it was discussed. Therefore, it is a matter with respect to which even at the time of framing the Constitution there have been differences of opinion. Nothing is going to happen at this minute. If hon. Members feel so strongly they will try to throw out the Bill; we will give them an opportunity. Otherwise, nobody is going to be convicted or dislaunched from the view that a Council is or is not necessary. I leave it to the House. After all, I can extend the time by *one hour. That is the discretion* that has been granted to me by the Business Advisory Committee.

1 hour and 41 minutes have been already availed of. Let us have 2 more hours for the general discussion. Then we can take up the clause-by-clause consideration. Dr. D. R. Chavan may continue his speech.

Shri D. R. Chavan (Karad): Continuing by yesterday's speech, I would like to submit that there are two ways of looking at this Bill. One is, whether it is desirable to have a second House in Andhra State and secondly, whether it is necessary to increase the strength of the various Legislative Councils in different States.

Mr. Speaker: He has already taken 14 minutes; I will give him 6 more minutes.

Shri D. R. Chavan: Yes. With regard to the desirability or necessity of having a Council for Andhra Pradesh, I was submitting my arguments yesterday.

Mr. Speaker: The hon. Member belongs to Bombay. Why does he worry about Andhra Pradesh?

Shri D. R. Chavan: I am worried about the whole of India. I am worried because a similiar type of resolution was passed in the Bombay Legislative Assembly and it was supported also by the requisite majority. For the purpose of expressing myself against the second chamber, I am referring to Andhra.

As I have submitted yesterday, I was making out a case against the desirability of having a second chamber in the State. For that purpose, I was reading out certain quotations from the speech of the former Chief Minister of the Bombay State, who is now Minister for Commerce and Industry here. When I referred to the name of Bombay's former Chief Minister, there was a great flutter in the House and the hon. Minister of Law was obliged to be on his legs. I was referring to his speech for strengthening my argument against the creation of a second chamber in Andhra Pradesh.

Mr. Speaker: The hon. Members go on writing to me from various States. One hon. Member from Punjab and another from another place have written to me that the distribution of work is not proper here. Some people monopolise while some others do not get a chance. So, the hon. Members need not give advice to Andhra Pradesh. There are hon. Members from Andhra Pradesh who will be able to take care of that State. That is the time legitimately due to the Andhra Pradesh. The hon. Member may kindly resume his seat if he has nothing more to say about his own State.

Now, before the hon. Members go away for lunch, I would like to announce to the House that the division on the first stage will take place at 2.30. I will call the hon. Minister at 2 and he will take about half an hour. So, the House can go on with this till 2 P.M.

Shri D. R. Chavan: I am reading out a quotation that is applicable to my State also. My submission is that the resolutions passed by the respective state assemblies except that of Andhra Pradesh and for that matter the resolution of the Bombay Assembly under the provisions of the Constitution are not necessary. I would like the hon. Minister of Law to point out how the effect of that particular resolution of the former Assembly has been nullified by the Reorganisation Act.

I am quoting from what the former Chief Minister of Bombay and the present Commerce and Industry Minister has said on 14th December 1953:

> "Then as regards representation and wisdom, it may be argued that anybody who is not prepared to face the rough and tumble of life like anybody else who does it for doing good to the people whom he wants to serve, lacks the necessary fibre to serve the people and it is a question whether such persons could be relied upon to guide the country in a safe way, and therefore, whether such people should be really provided for and encouraged. It may also be argued that this might encourage a tendency in some people to seek a safe way to take part in Government and providing easy means to people has always been the experience in the world so far. Therefore, that argument can also be made as against the argument in favour of enabling such people to guide the country on such important occasions."

I am referring to this because yesterday some hon. Members have stated that it is necessary to have second chambers for the purpose of giving functional representation or representation to other vested interests.

The argument was advanced that second chamber acts as a check on the hasty and ill-conceived legislation and that it acts as a break on the exuberance of the lower House and for that purpose it is necessary.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): If there is exuberances, there must be control over it.

Shri D. R. Chavan: That argument does not hold good. India is a democracy and elections are held on the basis of adult franchise. With regard to the expansion that is proposed, I may refer to this point. The States Reorganisation Bill was the outcome of the collective wisdom of this House. It was then decided that the strength should be 72 for the Bombay State. Now, what are the circumstances which have made the Government change that decision? I would like to request the hon. Law Minister to point out to this House the altered circumstances. The resolution passed by the Bombay Assembly on the 14th December, 1953 still stands. Could the hon. Law Minister point out to some provision in the States Reorganisation Act which nullifies that resolution? I submit that that resolution stands and so it is our duty to consider that resolution and not the resolution recently passed by the new Bombay Assembly.

Mr. Speaker: Now, the hon. Members who are from Andhra and who are anxious to speak will kindly rise in their seats.

Some Hon. Members *rose*—

Shri Hem Raj (Kangra): What about the other States?

Mr. Speaker: Other States which are not touched by this Bill? They will merely look on. The hon. Members are concerned over their own States. It all depends upon the time available.

Shri Venkatasubbaiah (Adoni): I wish to support the motion moved by the hon. Law Minister regarding the creation of a legislative council for Andhra Pradesh. The Andhra after forty years of insistent struggle got their State only very recently. After the reorganisation of the States, greater Andhra Pradesh was formed by bringing in some parts of the former Hyderabad State. We naturally felt that we have been given the power to manage our State and look after the welfare of the people. All the

[Shri Venkatasubbaiah]

three crores of Andhra for the first time in history have come under one State. With the same feeling we said that a separate council and a second chamber should also be constituted so that many interests might have proper representation in the Councils. The Andhra Assembly passed a Resolution with the requisite majority to form a separate legislative council for Andhra Pradesh. But, Sir, in passing that Resolution, the Andhra State Assembly requested the centre that the strength of the Andhra Legislative Council should be fixed at 96. But I do not know why the hon. Minister for Law has reduced it to 90. When I see the schedule regarding the allocation of seats in the Legislative Councils concerning various other States like Uttar Pradesh, Bombay, Madhya Pradesh and Bihar, I find that there is no rationale. There has not been a fixed strength of the Councils in Bombay, Uttar Pradesh, Bihar etc. In Madhya Pradesh, the strength of the Legislative Assembly is only 288, but the strength of the Council that has to be formed has been fixed at 90, whereas the strength of the Andhra State Assembly, being 301, it is but natural that we also request and make a plea that the strength of the newly formed Legislative Council should be 96. As you know, there are different regions in Andhra like the Telengana area and backward area of Rayalaseema and also the Northern Circars. There are various interests there which have to be fully represented. Their representatives must also have a say in the Councils of the State. It is for this reason that I plead that the strength of the Andhra Legislative Council should be raised to 96 as I find there is no hard and fast rule regarding the composition of the Councils of the States

I welcome the Bill. When clause-by-clause discussions are taken up I am going to move an amendment which I have given notice of and with this, Sir, I support the motion brought forward by the Hon. Minister for Law.

Mr. Speaker: I will call the hon. Member from Bihar. I will give a chance to everyone and I will come a second round. I will call Shri Shree Narayan Das. It is not that I make a distinction.

An Hon. Member: Are you going according to alphabetical order?

Mr. Speaker: I have got the list here. I will call Shri Shree Narayan Das from Bihar. Orissa has nothing to do with this Bill.

Shri Supakar (Sambalpur): We have got a right to speak.

Mr. Speaker Hon. Members should see the 8 or 9 hours time limit that is allotted. Some people may not like to have a Second Chamber for the newly created Andhra Pradesh. Some others may like to increase the number. Persons from the areas concerned will have preference over other Members. Other Members will certainly have a right to participate provided the time is available. I shall call persons accordingly.

Shri S. Ghose (Burdwan): No one from West Bengal has spoken.

Mr. Speaker: Somebody from West Bengal has already spoken once. I will now call Shri Shree Narayan Das from Bihar.

Shri Shree Narayan Das (Darbhanga): Mr. Speaker, Sir, the scope of the Bill and the object of the Bill is to create one more Legislative Council for the State of Andhra and the other object is to increase the number of the Members of the various legislative councils in various states. There are some other provisions for the election of the Members in respect of these States. Now, this is not the occasion to go into the principles of having bicameral legislatures in the various States. But I would like to submit that it would have been better if we had not created new legislative councils. Although the Constitution-makers have made provisions for the Legislative Councils in some of the States, they have left a number of States without Legislative Councils. That goes to show that the Constituent Assembly did not accept the principle to have legislative councils in the Centre as well as in the States. I cannot see what were the circumstances that led to the Constituting Assembly making a decision to have legislative councils in some of the States, while no mention has been made with regard to legislative councils in some other States. At the time when the States Reorganisation Bill was under consideration, some provisions were made with regard to the State of Madhya Pradesh; but, it will not be out of place if I mention that, under the conditions prevalent in India now, there is no necessity of having another Legislative Council. So far as the Central Legislature is concerned, there may be a necessity to have a second chamber because it is a federal union and a union of all the States This House which has been elected by the electorate are all representatives of the masses, but, because it is a Federal Government it must be proper that there must be representatives to look after the interests of the various States so far as the rights provided in the Constitution are concerned. But, as regards the provisions for the Legislative Councils in the various States I see no necessity.

An Hon. Member: In all democratic countries you have bicameral legislatures.

Shri Shree Narayan Das: I am speaking my opinion; the hon. Member may speak his own opinion. Out of the 14 States that have now been created, there is no provision for the legislative councils in some of the States. I would like to suggest to this august body which is the final authority to make provisions in this regard that it would have been better if we had not made up our minds not to provide for any more legislative councils. I do not know what is the opinion of the people of Andhra although a Resolution has come from the Assembly that there should be a provision. But, I would like to say that the legislative council does not serve any purpose there. The electorate has sent their representatives to the various legislative assemblies. Our Constitution has provided for representation of graduates, local authorities, district boards and there are provisions regarding nomination of literatures and other concerned.

Mr. Speaker: Hon. Members will kindly note that if Andhra Pradesh were not here and if it had not been added in the schedule, all this argument will be out of date because under the Act that we have already passed, the House has accepted legislative councils in all the other places. The only question is, whether you should increase or whether you should not increase the number. Therefore, the general question whether the Legislative Council ought to be there or whether it should not be there is irrelevant, except by way of passing reference when you say 'What is the use of increasing the number?' Therefore, Andhra people will take care of themselves. The Hon. Member has got a Council in his State.

Shri Shree Narayan Das: I am against having a second chamber in the States.

Mr. Speaker: What is he to do with his own Council in Bihar?

Shri Mohiuddin (Secunderabad): Has the hon. Member who is speaking tabled an amendment for the abolition of the second chamber in Bihar?

Mr. Speaker: I am only making an appeal to hon. Members Every Member can speak on behalf of the entire community from end to end. from Cape Comorin to the Himalayas When the time allotted to this measure is limited, I would request hon. Members to give more time to those Members whose States are directly affected. So far as Bihar is concerned, it is only an increase in number; let the hon. Member therefore confine himself to that. He can at the most make a passing reference that he is against the second chambers and he

[Mr. Speaker.]

would advise Andhra also not to have a second chamber and leave it at that. Several hon. Members from Andhra are enxious to speak; I have already noticed four of them.

Shri Shree Narayan Das: I shall try to finish in the time allotted to me.

Mr. Speaker: I would like to lessen the time.

Shri Shree Narayan Das: In view of what I have already stated just now, I would say that there is no need for a second chamber not only for Andhra but for all the States. This would be in the best interests of the country, and at a time when we are going through a financial crisis this would save us some money.

In regard to the increase in the number of Members in the various State Councils, the hon. Minister did not indicate what was the point in increasing the number. I was hearing the whole of his speech. The Constitution that was amended by the Seventh Amendment Bill only provided for the maximum number, that is, instead of the number being one-fourth of the total strength of the legislative assembly, a provision was made that the maximum number may be one-third. At the time of the amendment we did not think that the number of every State legislative council would be increased. As far as I remember, the hon. the Home Minister while moving the amendment said that he was only changing this provision in the Constitution because of one State. He said that in certain States the number of members of the legislative assembly was very small. In those States if the number was fixed at one-fourth the number of members of the legislative councils would be very small. Therefore, a provision to that effect was made.

Now in every State the number of members of the legislative councils is going to be increased. I would like to know what is the principle involved in it and what are the circumstances that have arisen now for Government to take the decision to increase the number. The existing numbers in the various legislative councils were sufficient and if only the representatives of the local bodies, representatives of graduates and other interests were to be regulated, I think sufficient representation could have been given. There were, therefore, no special circumstances for Government to bring forward this measure.

In regard to the composition of the councils the provision in the Constitution says—Article 171 (3)—

> "(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards, etc.,
>
> (b) . . . . one-twelth shall be elected by electorates . . . . who have been for at least three years graduates of any university, etc.,
>
> (c) . . one-twelfth shall be elected by electorates consisting persons who have been for at least three years engaged in teaching, etc ,
>
> (d) . . . . one-third shall be elected by the members of the Legislative Assembly of the State ...

and (e) the remainder shall be nominated by the Governor . . ."

For the sake of illustration I shall take Bihar. The strength of the Assembly there is 318. If the provision of the Constitution is adhered to, the maximum number will be 106. But by this measure the strength of the Council in Bihar is going to be increased from 72 to 96. Why is the number not going to be increased to 106? Why is it going to be only 96? The ratio specified in regard to the composition has also not been adhered to. Therefore, I am not convinced of the necessity or desirability of increasing the numbers in the various legislative councils.

With regard to the provision for nomination by the Governor in the Councils of the various States it is a healthy one because some good and able men may not come through election, and there must be some provision to take men of arts and literature, etc. But the number must be reduced to 6 and the remainder of the seats distributed among the various interests.

In the end I would say that I am not in favour of increasing the numbers and it would have been better if the number could have been allowed to remain as they are.

सरदार अ० सि० सहगल (जंजगीर): अध्यक्ष महोदय, विधि मंत्रालय यह जो लेजिस्लेटिव कौंसिल्स बिल, १९५७ लाया है, उस पर मैं संक्षेप में अपने विचार रखना चाहता हूं ।

इस बिल के स्टेटमेंट आफ आबजेक्ट्स एंड रीजंस को देखने से आपको मालूम होगा कि मध्य प्रदेश में एक लेजिस्लेटिव कौंसिल की स्थापना करना चाहते हैं । यह बहुत ही अच्छी चीज है जो सदन के सामने लाई जा रही है और जब वहां पर स्टेट्स रिआर्गेनाइज़ेशन बिल पर विचार हो रहा था तब हमने उसको पास किया था ।

इसके साथ ही आप यह भी देखेंगे कि लेजिस्लेटिव कौंसिल्स के मेम्बर्स की तादाद वहां की पापुलेशन की बेसिस पर फ़िक्स नहीं की जायगी बल्कि वह लेजिस्लेटिव असेम्बली के मेम्बर्स के आधार पर भी फ़िक्स न की जायगी और विधि मंत्रालय की मैं सराहना करता हूं कि उन्होंने संविधान में अमेंडमेंट करवा कर एक चौथाई की जगह एक तिहाई कर दिया है अर्थात् किसी एक स्टेट की लेजिस्लेटिव कौंसिल के मेम्बर्स की तादाद उस राज्य की लेजिस्लेटिव असेम्बली के मेम्बर्स की तादाद की अब एक तिहाई होगी ।

लेकिन इस संबंध में मैं इतना अवश्य कहना चाहूंगा कि आपने इस विधेयक को यहां पर पेश करने से पहले हर एक स्टेट को भेजा और स्टेटमेंट आफ़ आबजेक्ट्स एंड रीजंस को देखने से मालूम होगा कि नौ प्रदेशों में से आठ ने लेजिस्लेटिव कौंसिल्स के मेम्बर्स की तादाद के बारे में अपने अपने प्रोपोज़ल्स भेजे हैं । उत्तर प्रदेश ने १०८ की मांग की है, बम्बई ने १०८ की मांग की है, आंध्र प्रदेश ने ९६ की मांग की है, मध्य प्रदेश ने ९६ की मांग की है, वेस्ट बंगाल ने ७५ की मांग की है, मैसूर ने ६९ की मांग की है, मद्रास ने ६३ की मांग की है और पंजाब ने ५१ की मांग की है । यह मांग उन उन राज्यों के लेजिस्लेचर्स ने रक्खी है और अपने अपने वहां इसके लिये प्रस्ताव पास किये कि हमारे राज्य में लेजिस्लेटिव कौंसिल के मेम्बरों की तादाद इतनी होनी चाहिये । जहां तक उत्तर प्रदेश का ताल्लुक है आपने यह बहुत ही अच्छा किया कि जो १०८ की उनकी मांग थी वही आपने इस बिल में प्रोपोज़ की है । बम्बई की भी १०८ की मांग थी जिसको कि आपने मान लिया है और बिल में १०८ रक्खा है । बिहार में जहां कि लेजिस्लेटिव असेम्बली की तादाद ३१८ है, वहां पर लेजिस्लेटिव कौंसिल के मेम्बर्स की तादाद आपने ९६ प्रपोज की है । अब मध्य प्रदेश में जहां कि लेजिस्लेटिव असेम्बली के मेम्बर्स की तादाद २८८ है, वहां की लेजिस्लेटिव कौंसिल की तादाद आप ९० ही रख रहे हैं । आंध्र प्रदेश जिसकी कि लेजिस्लेटिव असेम्बली की ३०१ की मेम्बरशिप है, वहां की कौंसिल की मेम्बरशिप आप ९० प्रोपोज़ कर रहे हैं ।

मैं नहीं कह सकता कि वह कौन सा कारण है जिसकी कि वजह से स्टेट्स लेजिस्लेचर्स ने अपने अपने वहां की लेजिस्लेटिव कौंसिलों की स्ट्रेंथ के बारे में जो मांग की है और प्रस्ताव पास किये हैं, उनके अनुसार बिल में कुछ जगहों पर लेजिस्लेटिव कौंसिलों के मेम्बरों की तादाद नहीं रक्खी है । अब मैं

[सरदार अ० सिं० सहगल]

आपको बतलाना चाहता हूं कि हमारे मध्य प्रदेश ने ९६ की मांग की थी लेकिन बिल में वहां की स्ट्रेंथ केवल ९० ही रक्खी जा रही है । मैं नहीं कह सकता कि ऐसा करने का क्या कारण है ? जब आपने स्टेट्स से इस विषय पर राय ली है तो आपको उनको मानना चाहि ।

आप विधेयक के पेज १२ पर क्लाज ६ को देखें । उसमें लिखा हुआ है :

"Class II Panchayats which have been notified for the appointment of whole-time executive officers.";

उसमें आपने ६ कैटेगरीज रक्खी हैं :

(ii) under the heading "Madhya Pradesh", for the entries, the following entries shall be substituted, namely:—

"1. Municipalities.
2. Janapada Sabhas.
3. Mandal Panchayats.
4. Cantonment Boards.
5. Notified Area Committees.
6. Town Area Committee."

यह ठीक है इसके मुताबिक आप उनको अपनी राय देने का अवसर देंगे और उनके जो सदस्य होंगे उनको वे चुन कर भेजेंगे, इसके लिये मैं वित्त मंत्रालय की सराहना करता हूं लेकिन इसके साथ ही साथ आपको यह भी देखना चाहिये कि जो आप हमे ९० मेम्बर्स दे रहे है उनमे काम चलने वाला नहीं है और मैं समझता हूं कि आपको जो मध्य प्रदेश की मांग की है, उसको मंजूर करके वहां के लिये ९६ मेम्बर्स प्रोपोज करने चाहिये ।

जहां तक दूसरे प्रदेशों का ताल्लुक है उन्होंने भी इस संबंध में अपनी अपनी रायें दी हैं और मेरा तो अपना यही मत है कि आपको उनको मानना चाहिये । लेकिन अगर आप स्टेट्स के प्रोपोजल्स को नहीं मानते हैं तो उसके लिये आपके पास कोई सिद्धांत होना चाहिये जिस सिद्धांत के आधार पर आप यह सब करना चाहते हैं । यदि आपने किसी सिद्धांत को मान्यता नहीं दी है तो मैं जरूर कहूंगा कि आप उन स्टेट्स की जिन के कि पास आपने राय जानने के लिये भेजा था, उनकी अवहेलना कर रहे हैं । इन शब्दों के साथ मंत्री महोदय जो यह बिल लाये हैं, उसका मैं समर्थन करता हूं लेकिन उसका समर्थन करने के साथ साथ मैं मंत्री महोदय से प्रार्थना करूंगा कि मध्य प्रदेश में जो लेजिस्लेटिव कौंसिल बनेगी उसमें ९० के स्थान पर ९६ मेम्बर्स देने की कृपा करें ।

Shri N. R. Munisamy (Vellore): The main object behind the introduction of the system of bicameral legislatures is to arrest precipitate action or decision by the Lower House, so that the Upper House may after perusal of the various clauses in the Bill make such changes as are essential, keeping in view the objects and reasons behind the Bill. But so far as the representatives of the Upper Houses are concerned, that is of the Legislative Councils, the principle by which they are returned is of a different type. The persons who are chosen to the Upper House are not usually responsible to the people. The principal responsibilify to the people is taken away. They do not have direct contact with the people. The only thing is they have got their own responsibility to certain sections of people. For example they are chosen by the representatives in the local Legislative Assembly, and then by the local bodies and municipalities, and again by graduates and teachers, and there is also some representation on the basis of culture, sciences and literature for which purpose they are nominated by the Governor. I would only say this much. The element of

contact with the people is altogether taken away, and the representatives of the Upper House are not discharging their duties in any other manner except that they only carry on the work so far as the legislative aspect is concerned, to the extent to which it is not being jeopardised to the detriment of the interests of the people and keeping in view the various clauses of the legislation passed in the Lower House. That is all that they do and they do not have any contact with the people. So that what happens in the long run is that those representatives constituting the Legislative Councils are not paying attention to the real needs of the people. From that point of view I would say that they are not the real representatives of the people, excepting that they are in an indirect way representing the people through the other chosen representatives of the people.

The other aspect which I wish to point out is this. Throughout the Bill I find that the scheme is with regard to fixing up of the term of office of the persons who are chosen by the Governor and by other bodies. For instance clause 7 refers to Madras. The present strength of the Legislative Council there is only fifty and it is proposed to be increased to sixty-three. How the additional thirteen Members are to be chosen is catalogued under this clause and I shall not read it. I will only refer to sub-clause (4) of this clause 7. Sub-clause (4) says:

> "In order that, as nearly as may be, one-third of the members of the said Council may retire on the 20th April, 1958, and on the expiration of every second year thereafter, the Governor of Madras shall, after consultation with the Election Commission, make by order, such provisions as he thinks fit in regard to the terms of office of the members to be elected under clause (a) of sub-section (3) and of the member to be nominated under clause (b) of that sub-section."

The point which I wish to make out is this. So far as fixing up of the term of office is concerned, the Governor in consultation with the Election Commission will fix it up. You will be aware that when the States Reorganisation Act was passed there was a writ petition in the Madras High Court by somebody when the Chairman of the Council eliminated his name and began to have lots with regard to the other Members, and Mr. John—I speak subject to correction, I forget his name—took a writ petition and he succeeded in the writ petition. And the consequence of it was that we had to come with another amendment to our Constitution in order that the number is increased and the difficulty is eliminated.

Similarly, the Governor is supposed to be the Head of the State and he should not be asked to figure so far as the fixing of the term of office is concerned. Ordinarily we all know that the Governor does things only on the advice of his Council of Ministers. The Chief Minister or the Cabinet will suggest that so many years must be given to a particular individual and a lesser number of years for another individual. So much so that the Governor will formally consult the Election Commission and fix the term. It would be encouraging indirectly some individuals whom they have in their mind and something like nepotism and favouritism would be the result of it.

12-58 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

So I would only say this. Just as at the time of fresh election the Election Commission as a whole draws by lot the term of office for all the Members in the Upper House, similarly here also, these being new Members, they may be fixed up by drawing lots in consultation with the Election Commission, and the Governor shall not be brought in this controversy.

[Shri N. R. Munisamy.]

Later on it might be laid that the Governor does not do any act *suo motu*. As we all know, he always does things in consultation with the Chief Minister of the State. He could take no action unless he was advised by the Cabinet. Therefore I say that the Governor shall not be brought into this and made a subject of criticism in the long run, that he had fixed up the term. And in the long run it may be regarded as a formal consultation with the Election Commission and he may fix his own men for four or six years.

I find that the same method has been adopted throughout the Bill, namely that the Governor should consult the Election Commission and fix the term of office. It is better that we eliminate this consultation by the Governor and in its place make the Election Commission itself draw lots and fix the term of office, failing which the Governor will later on be severely criticised by the public which should not be allowed as he is the head of the State. He should not also figure in this ugly controversy or face a petition in the High Court or the Supreme Court challenging his discretion, because it will be argued that the consultation is only for satisfying the provisions of this Bill and that really it encourages favouritism or nepotism and that whoever is wanted will be appointed.

13 hrs.

In regard to Bihar, no resolution seems to have been passed by the State Assembly, and the law Minister has increased the strength of the Bihar Council to be in conformity with the strength of the other Assemblies. To that extent he is all right. If I am wrong I would like to be corrected.

Barring these observations I do not think I have got anything more to say excepting that I commend this Bill as it is in conformity with the present policy of having two chambers. At this late stage there is no sense in opposing the principle.

श्री बीरबल सिंह (जौनपुर) : उपाध्यक्ष महोदय, यह विधेयक जो संविधान में संशोधन करने के लिये उपस्थित किया गया है, में इस का समर्थन नहीं कर सकता। इस विधेयक में आंध्र प्रदेश के लिये विधान परिषद् की व्यवस्था की गई है, और जहां पर पहले एक सदन था वहां पर अब दो सदन किये जा रहे हे। दूसरे जिन प्रदेशों में अब तक दो सदन थे, वहां पर सदस्यों की संख्या बढ़ाई जा रही है : मैं सिद्धान्तत: प्रदेशों में दो सदनों के विरुद्ध हूं। जिन देशों में संघ शासन है, वहां पर केन्द्र में तो दो सदन रखना अनुचित नहीं है, लेकिन प्रदेशों में दो सदनों का होना बिल्कुल ही अनावश्यक है। कांग्रेस भी हमेशा से इसके विरुद्ध रही है। जिस समय हम लोग स्वतन्त्रता की लड़ाई लड़ रहे थे उस समय प्रदेशों में दो सदनों का हमेशा विरोध किया गया। बल्कि एक तरह से ब्रिटिश गवर्नमेंट ने हमारे ऊपर यह बोझ लाद दिया कि प्रदेशों में भी दो सदन रक्खे जायें, और उसी बोझ को हम बराबर ढोते आ रहे हे। साथ ही उस को और ज्यादा बढ़ा रहे हे। ऐसे समय में जब कि हमारी आर्थिक व्यवस्था इतनी खराब है, सदस्यों की संख्या बढ़ाना या दो सदन स्थापित करना बहुत अनुचित होगा।

जो सदस्य बढ़ाये जा रहे हैं, उन मे से हर एक के ऊपर जितना खर्च होगा उस में कम से कम पांच प्राइमरी स्कूल खोले जा सकते हैं, और ऐसे सदस्यों की संख्या २६३ बढ़ाई जा रही है। इस से मैं समझता हूं कि सारे देश में १३०० प्राइमरी स्कूले खुल सकते हे। जबकि हमारे संविधान में यह व्यवस्था की गई है कि दस वर्षों के अन्दर सारे देश में अनिवार्य प्राइमरी शिक्षा हो जानी चाहिये, और पैसे की कमी की वजह से हम लोग उसे पूरा नहीं कर पा र हैं, ऐसी अवस्था में खर्च को बढ़ाना और भी अनुचित होगा। जितने सदस्य बढ़ाये

जा रहे हैं उन पर जो व्यय होगा उस से कम से कम मैं समझता हूं, दो लाख विद्यार्थियों की शिक्षा का प्रबन्ध किया जा सकता है ।

इसलिये मैं इस बिल का विरोध करता हूं और कहता हूं कि किसी भी प्रदेश में दो सदन नहीं होने चाहियें और जहां पर वह हैं, वहां पर भी यदि सम्भव हो तो उन को खत्म कर देना चाहिये । सदस्यों की संख्या तो किसी हालत में भी कहीं नही बढ़ाई जानी चाहिये ।

Shri B. S. Murthy: Andhra has come in for a lot of criticism, but I think when the resolution passed by the Legislative Assembly of Andhra Pradesh is being given effect to in this august House, I think all the Members should support it.

The Andhra plea is simple. All the other States are having Legislative Councils. Why not we also have it?

An Hon. Member: Not all.

Shri B. S. Murthy: Almost all. Eight of them are having and Andhra with such a huge population and a vast area should also have its own Legislative Council. And once the Andhra Assembly has passed a resolution as required by the Constitution, it is but proper that Parliament should take cognizance of it and give effect to it. Hence this Bill has been brought forward, and in doing so, they have also tried to give effect to the new schedule so that the so-called anomalies may be removed as far as the strength of the Legislative Councils are concerned.

Some friends in the opposition seem to have peculiar notions about this bi-cameral system.

Shri Punnoose (Ambalapuzha): May I ask for a clarification? Is it Shri Murthy's point that this proposal is now made because the people of Andhra desire it?

Shri B. S. Murthy: It is too patent, and also accepted by all the world, that a Legislative Assembly represents the people of the State, and when the Legislative Assembly of the State has passed the required resolution by a two-third majority, where is the doubt, and how can it be said that the people of Andhra are not of this opinion? Therefore, my hon. friend from Kerala would do well to give credence to the resolution passed by the Legislative Assembly there. Therefore, the Andhras do want it and there is no doubt about it.

There seem to be some sort of peculiar ideas amongst our opposition friends.

Shri Punnoose: You were there.

Shri B. S. Murthy: I was there, and I shall be there.

Mr. Deputy-Speaker: Order, order We wish the hon. Member to be here.

Shri B. S. Murthy: I assure my friend that I shall be there as and when circumstances require my presence.

Democracy is usually known as government by discussion. Therefore, in order to have a number of checks, the Mother of Parliaments provided several sets of mechanism and one amongst them is the bi-cameral system. There are several people whose advice, experience and talent should have been of greater use in this august House than elsewhere, but these people were shy of election; they did not want to come. As far as character is concerned, nobody can question it; about their expert knowledge, everybody has got praise for these people. Therefore, in order provide a forum for discussion on matters concerning the welfare the country, the Upper House has come into existence. Hence, it is not fair to criticise that the Party in power is creating a pinjrapole to have such of those people who could not come into this House through the front door, and it is a backdoor policy. I do not think one is justified in saying that.

[Shri B. S. Murthy]

Again, as long as there is a Rajya Sabha in existence and having certain control over what we discuss and pass here, I do not think we have any right to say that Legislative Assemblies should not have a similar check in the States. Therefore, it is fair to admit that the bicameral system has not proved unfruitful; on the other hand, it has given a fair chance for democratic organisations to grow in strength and volume.

In this connection, I must also say that the bicameral system, wherever it exists in almost all the democratic countries, has done good work. I think that the Councils in the States will also do good work. It is not to have our own people put there. As a matter of fact, except for 12 or 13, as the case may be, to be nominated by the Governor, all the others are having election. It may be indirect election; it may be a sort of checked election, but still it is election; it has not been by nomination. A single individual, the Chief Minister of the State or the Governor advised by the Chief Minister, is not allowed to have the whole list of 96 or 90, as the case may be as far as Andhra is concerned, nominated. Therefore, where is the doubt these people being representatives of certain interests? They may be persons who come from graduates' constituencies or local bodies constituencies or some other constituencies.

So it is not fair to criticise a Bill like this as a machination of the ruling Party to have their people nominated or put in Councils. It is but a fair election and all people have their chance. Even the Opposition parties can have a fair chance in getting several of their people elected. I can understand it if the Opposition parties have, as a rule, boycotted the Rajya Sabha and the Councils in the States saying that this is a useless organ of our Constitution, and therefore, they do not want to make use of it. But having made use of it, and being stil prepared to make use of it, I do not think it lies in the mouth of Opposition parties to say that this is a mechanism or machination of the Party in power.

My hon. friend, Shri Shree Narayan Das, was good enough to say that we should not have the bicameral system. The preceding speaker was also good enough to say that we, the Congress, did not want it. Today the Congress is one of the parties and the people's desire must be respected. As the Legislative Assemblies are asking for Upper Chambers, it is but proper that the Party in power should accede to the desire of the people and not to say that in 1921 at Karachi and in 1923 at Calcutta the Congress had resolved that there should be no bicameral system in India, therefore, we shall not have this system, this is not a good system. We must learn by experience. It is also stated that the old order changeth, yielding place to new. We should not become conservative. Therefore, when experience is gained, we must make use of it. Whatever is good in the world is ours, in the same way as whatever is truth, it is ours. Similarly, whatever is good in the British system of parliamentary government, whatever is good in the American system of Government, we must copy and see that it must be implemented. It must be incorporated in our popular democratic rule here. Therefore, I support this motion.

In conclusion, I would like to say that in giving nominations, 12 or 13 or 14, as the case may be, special consideration must be given to the linguistic minorities. In the name of experts, some people without expert knowledge, are being brought in. This should not be done. It is but fair that linguistic minorities, who have no chance of getting into the Assemblies and into Parliament here, should be given special consideration so much so that all the interests will be represented and all shades of opinion can be had in the counsels of the Councils.

Shri Nagi Reddy: I rise to oppose this Bill from A to Z....

Shri B. S. Murthy: And beyond.

Shri Nagi Reddy: If there is any. It is really surprising that this Bill should be on the agenda especially when we are talking of pruning the Plan and talking of austerity plans. Sometimes I feel that we want all the magnificence of the feudal, capitalist and socialist societies but not the benefits of the societies. Therefore, we find all clubbed into our society.

I remember when the leader of the PSP was speaking here on the President's Address, he told Government that it looked so feudal for a modern State that our President should come all the way in a coach which should have been in the exhibition. From that we are now on to the State in Councils about which we are now discussing. In the name of modernism, in the name of constitutional propriety, because some other modern States have done it, in the name of tradition, we seem to be anxious to have such a cumbersome machinery and set-up. On that basis, I oppose this Bill and I expect that at least Government would not increase the strength from 487 or so to something more—I have the list and I will give it out later.

The second reason is that there is a bit of contradiction which I find between the Centre and the States. We want some progressive legislation from the States, say, for example, land reforms. We are finding that in quite a number of States the landlord class has had such a hegemony over the Legislative Assemblies even now that with the increase in the strength of the State Councils and with indirect elections to follow, their strength will be increased to more than what it is now.

Progressive legislation can never be implemented by Second Chambers and all Second Chambers are a kind of hurdle in the way of progressive legislation. If it is not for that, I cannot understand why we are going to have the Second Chambers at all. Therefore, I am opposed to increasing the weight of this class which has to be abolished even according to the Second Plan by land reforms. Because I oppose the weight of this class, which is going to be there in the Second Chambers, I oppose this Bill and I say: at least please do not impose them upon the new State of Andhra. They have already imposed it on certain States. Government is not coming forward to abolish them. I would request the Government at least to spare us, the Andhras, from this new imposition. (**An Hon. Member**: What about others?).

We have been talking of deficit Budgets. Everyday there is a discussion as to how we are going to fill up the gap. Everyday we are talking of the growing inflation in the country and how to check it. Every time the State Government is asked to do something, for example, if we ask for a few more rupees to increase the number of houses that are to be provided for the poorer classes in the villages—they say there is no money.

I know there is electricity running just half a mile away from one village—the lines are there—which has 50 wells under which there is irrigation going on. They have been asking for electricity to be provided for those wells. There are 50 wells and something like 100 families in that particular village which would be benefited by the electricity.

Shri B. K. Gaikwad (Nasik): Are they Government wells?

Shri Nagi Reddy: In our country, in Andhra there are quite a number of wells which the peasants own under which 5, 10 or 12 acres are cultivated. These peasants have been requesting the Government to provide them with electricity and they have been asking because the line is going very near. They are always being told that because Government lacks money they are not able to provide this electricity.

[Shri Nagi Reddy]

I should like to know why we should spend this extra money on Houses, on these State Councils which practically do no business. They in no way increase the administrative capacity or efficiency of the States. Therefore, even from that point of view, I would say, if we are not able to abolish the existing State Councils, at least do not come and impose them on new States.

We must also remember—of course, it is not accepted from the Government benches—that at least there is a vast opinion in this country that even Governors' posts should be abolished; they have become incongruous in our administration. And, when such an opinion is being expressed by quite a number of people in our country, why should Government add this new ornament which has no value, which does not even glitter? Therefore, I would say that the State Councils are cumbersome. It is a machinery that is valueless and we should not at least try to emulate others simply because when the British were ruling our country in their own interests they had certain State Councils in our country.

Then, I see no reason why we should have second chambers. In some countries there are second chambers; in progressive countries like the U.S.A. and the USSR, each of a different type, they have second chambers. It may be said, why not we have them? I would like the hon. Members to just read the constitutions of those countries very carefully. They are multi-national countries, huge countries which have different States just as we have. But, they have one second chamber for the whole country and not second chambers for each State. I am sure the Russian Federation does not have a second chamber; the Ukranian Federation has no second chamber and the Georgian Federation has no second chamber. In the same manner, even in America, each separate State does not have a second chamber.

Personally, I may not even rule out a second chamber for the whole country, of course, not as it is established but in a different way, wherein equal representation is given to each State, whether it is big or small, in which case, certainly, certain customs are safeguarded and certain regional interests are safeguarded. At least the present regional imbalance would not take place in the implementation of the second Five Year Plan, if such a second chamber is there. I can visualise that and I can, probably, think about it and may even accept it. I would say, what is the purpose of a second chamber in a State; whose interests do you want to guard other than the interests represented in the Assembly? The answer may be, the interests of Chambers of Commerce or some special interests of that type can be safeguarded and that is the purpose for which the second chamber is set up. Let us not, for that purpose, quote certain countries and the constitutions of those countries which do not possess such second chambers within their own countries.

Then, there is the question, every State is having one, why not the Andhra State? It is a big State; you are 3 crores of people. Bombay has it; West Bengal has it; Uttar Pradesh has it; Madhya Pradesh has it. Even Orissa has one (*An Hon. Member*: *No.*) I am sorry. Madras has one and Mysore, your neighbouring State has one; Why not you too? If my hon. friends are so very particular of giving us equality of treatment, I would request them to give us such equality in the expenditure in the Second Five Year Plan. I would like to have that kind of equal treatment instead of equal treatment in the matter of the second chamber. The treatment that is meted out to us so far as industries are concerned, is very well known. It is only 2 per cent of the estimated expenditure for the whole country. It is only 1·5 per cent so far as the estimated expenditure on communications and transport is concerned, that is going to be spent in Andhra. I would say that if equal treatment is to be given, I would request Government to treat us equally in a different sphere and I would certainly say that I do not want this equal treatment so far as the State Councils are concerned.

Coming to Andhra, there are special reasons for saying that we should not have a State Council and that is a very important thing. I had already told you that we are suffering from deficit finance and we are not able to fill up the gap. We are not able to implement the Plan. That is one point which I have already talked about. But the most important factor is that the question of integration with Telangana is a problem which is not yet solved.

Shri Ajit Singh Sarhadi: I wish to raise a point of order. Is the discussion relevant in the line it has taken? The Constitution provides that there must be a second chamber.

Shri Nagi Reddy: No, no.

Shri Ajit Singh Sarhadi: If you read article 169, it says that unless there is a recommendation by the Assembly there the second chamber should be there. The recommendation of the Andhra Assembly is that there should be a second chamber.

Shri Nagi Reddy: I am coming to that. If the hon. Member hears me to the end ....

Mr. Deputy-Speaker: Order, order; let him make the point.

Shri Ajit Singh Sarhadi: I am submitting that already as resolution by the elected members of the Andhra the Constitution to that effect also. Is the line of argument which my hon. friend is taking relevant in the lifiht of that resolution?

Mr. Deputy-Speaker: Does the hon. Member want to say anything on that point?

Shri Nagi Reddy: No, Sir.

Shri Punnoose: The Legislative Assembly passes a resolution that there should be a Legislative Council and it is before the Parliament. It is as clear as daylight that this House can have its own say. Some Members may say that it should not have; others may say that it should be there. Many Members may be neutral also. It is our right.

Shri Mohamed Imam: It is not a mandatory provision. It only says that the "Parliament may by law provide..."

Shri Nagi Reddy: This point was discussed yesterday and, therefore, I have nothing to say on this.

Mr. Deputy-Speaker: Parliament is the last authority to decide whether there shall be a second chamber or not. The first requisite is that the local legislature should pass a resolution. We can only consider that here after that resolution is passed. When we have that resolution we have to consider and decide. If it automatically follows that because a legislature has adopted a resolution we have to reconcile ourselves to that, then there would be no need of considering it. We have to decide it here, and the decision that we take here would be the ultimate decision that would have effect.

Shri Nagi Reddy: Sir, I was talking of the new problems that have arisen in the newly formed State of Andhra Pradesh. The problems are so difficult that even the Government with all the good support of all parties is unable to solve many of them. At such a time as this, imposing this new structure on the at present dilapidated building of the new State will be a very great imposition; even the foundations of it will be dangerously shaken.

Mr. Deputy-Speaker: If there is a second chamber?

Shri Nagi Reddy: I am coming to that. For example, we are going to provide the election of certain members to the State Council on behalf of the District Boards, Panchayats or Municipal Councils, and I would remind the House that there are two different kinds of District Boards, one type on Telangana area and another type in Andhra area. Therefore, there cannot be a proper representation on the basis of indirect elections that we are providing for in this Bill.

So far as Andhra area is concerned, all members of the Panchayats are elected, but it is not so in Telangana. In Telangana there are quite a number of members in each Panchayat who are not elected but selected by the Government In the same way, I would say that so far as Andhra is concerned there are no District Boards at all There have been up till now certain nominated Boards, nominated by the Government All the M.L.A.'s became members of District Boards and all the ex-Presidents of District Boards who were yet living became members of District Boards. Even that became probably too cumbersome for the Government to administer. Therefore, even that has been abolished, and only yesterday there is news that has appeared in the Andhra Press that the Local Board Minister has come forward to say that they are not going to have any elections for District Boards and no District Boards are going to be elected so far as Andhra Pradesh is concerned.

So, that problem has not yet been solved. The problems of integration of that type yet remain, and we are going to impose an Act for the State Government to act.

Mr. Deputy-Speaker: We will be straying away too far if we take up that line If we take a decision that they shall have a second chamber, then those things would be adjusted by themselves. It is not that there are two types of District Boards and, therefore, we cannot have a second chamber. It cannot be argued like that. That is no reasoning.

Shri Nagi Reddy: I am sorry, Sir, the point here is that we are framing certain rules for the election and I want to oppose the whole thing at least so far as Andhra is concerned.

Mr Deputy-Speaker: We are not concerned with the rules. Now we have a Bill here.

Shri Nagi Reddy: The Bill says that there should be certain members elected from Local Boards. I say that this provision cannot be enacted to the justice of the people of Andhra Pradesh for the simple reason that all Board and all Panchayats are not elected on the same basis, on the basis of one Act or one principle. Therefore, it is going to be an imposition of a wrong principle on the foundation of a wrong principle.

Mr. Deputy-Speaker: But the State would see that they are brought on one principle. That would be a subsequent thing Now this House will not think that because there are two types of District Boards it would be an imposition on them When we have passed the Bill then the State would see whether the local bodies are formed on uniform methods or not That is to be seen subsequently

Shri Nagi Reddy: I do not accept that argument, and I do not think it is proper.

Mr. Deputy-Speaker: I do not want the hon Member to accept the argument, but he has to accept my decision that this is not relevant.

Shri Nagi Reddy: No, Sir; the point is, I would like to question the framers of this Bill....

Mr. Deputy-Speaker: It would be better if the hon. Member accepts the decision for the present at least.

Shri Nagi Reddy: I accept the decision, but I am asking one question. What do the framers of the Bill mean....

Shri Punnoose: Sir, I want to seek one clarification from you. There are two types of Panchayats and two types of Municipal Councils. In one the members are elected and in the other they are selected. The argument was that in the present case it is not nomination but election where people have some sort of representation. Is it not relevant to the subject? There are Municipalities and District Boards where members are selected by the Government. Therefore, the argument was that this is bogus, this is a fraud on the people. Are we not entitled to say that?

Mr. Deputy-Speaker: No. I cannot agree with the hon. Member. My point was that we have now to take a decision whether we shall have a second chamber or not. Whether there are District Boards or other local bodies that can be constituted into that electoral college would be seen by the State Government. That would be for the State Government to see, and if there is some deficiency, if there are any difficulties that shall have to be adjusted and made up by the State Government if the elections are to take place. For the present we are not to see whether there are any different modes of constituting the District Boards, whether there are some nominations or not, and if there are any they should not be given this representation. That would not be the determining factor so far as this bill is concerned.

Shri H. N. Mukerjee (Calcutta-Central): Sir, may I make a submission? From what I hear I gather an impression that in Andhra Pradesh certain local bodies have a particular kind of composition. Here, Sir, in this Parliament we are being called upon to allow representation to certain local bodies in projected second chambers on the basis that those local bodies have a certain representative character. If they do not have that representative character then, naturally, it would be for us to reconsider the whole position. From Andhra Pradesh the report comes that local bodies which are going to send some representatives to a projected second chamber are partly elected, partly nominated and, therefore, this juxtaposition brings a fresh complication to which, Sir, we should try to apply our mind. Therefore, I feel that this point should properly be brought up and discussed in the House with your support.

Mr. Deputy-Speaker: What I want to say here is only that, if the District Boards are not properly constituted, if they are nominated bodies and are not representative constituencies, whatever it is, shall we take that up here now and say that they should first be constituted properly?

Shri H. N. Mukerjee: Exactly.

Mr. Deputy-Speaker: That is not our purpose.

Shri Nagi Reddy: I would submit, Sir, that here is a clause which says that elections would take place from Municipalities, District Boards, Cantonment Boards, City and Town Committees and so on. It does not say...

Pandit D. N. Tiwary (Kesaria): For your information, Sir, I would like to point out that in Bihar too there are District Boards and Municipalities which are partly nominated and partly elected. One-fourth of the members of the Municipalities and District Boards there are nominated by Government. There also election to Council takes place through these District Boards and Municipalities.

Shri Nagi Reddy: My submission is that in one part of the State, that is the original Andhra State, there are

[Shri Nagi Reddy]

no nominations at all. My submission is that there are two kinds of contradictory positions in existence and contrary rules in existence in the whole of Andhra Pradesh. Whereas in one part of Andhra, that Telangana, there is nomination to the panchayat, in my part of Andhra Pradesh, we do not have it. Therefore, I say that here the integration has not yet taken place and we are already giving by this Bill and the Act both the methods. If we are to oppose it, and say that district boards will be elected, the panchayats will be elected and the Cantonment areas will be elected and some of them are nominated and some of them are elected I would only say that if there had been nominations for all panchayats throughout Andhra Pradesh—

Mr. Deputy-Speaker: Does this Bill say that the district boards, all of whose members are elected, shall have the only option to elect?

Shri Nagi Reddy: Exactly that is my amendment.

Mr Deputy-Speaker: There is an amendment. But what does this Bill say?

Shri Nagi Reddy: My opinion is, if this Bill were to remain, the municipalities, the district Boards—

Mr. Deputy-Speaker: I am just putting this question to the hon. Member: whether there is a provision here that only those local bodies shall have the right to choose their representatives to the second chamber who have been themselves elected on adult franchise, or all the members are elected representatives there?

Shri Nagi Reddy: I do not understand. There is no provision of that type here.

Mr. Deputy-Speaker: This is what I wanted to impress upon the hon. Member.

Shri Nagi Reddy: That is exactly the reason why I want to oppose that clause.

Mr. Deputy-Speaker: He has every right to oppose the clause.

Shri Nagi Reddy: Therefore, I say that because it would be done within a short time, where is the hurry to pass this Bill at all and include Andhra Pradesh in this Bill? Why not wait for the integration of the common law to be established in the whole of Andhra Pradesh, when there are two types of laws now?

Mr. Deputy-Speaker: If there are difficulties, and those second chamber cannot be elected just now, then that will be only afterwards. It may not be elected now.

Shri Nagi Reddy: Well, Sir, if that guarantee that it may not be elected till the laws are integrated is given, that is a different matter. But so far as I know, after seeing the manner in which the Andhra Government is moving, especially as seen from yesterday's statement which is given out in the press, that district boards are not going to be elected any more, I am really afraid that this is going to be a handle for the Government to—

Shri H. N. Mukerjee: May I ask for a clarification from you, Sir? My idea is that in regard to these second chambers, we are committed to the idea of elective principles except in so far as a few seats in particular States are concerned. The elective principle has got to be uniformly applied. If there are certain local bodies in Andhra Pradesh which are not elected properly and if they have a kind of election to the second chamber in that particular State, then we are injecting into the elective principle something extraneous to it and that is beyond our jurisdiction and beyond our intention.

I feel, therefore, that the Minister might consider this point. In Andhra

Pradesh there does seem to be an anomalous position, and in Andhra, in the projected second chamber for Andhra Pradesh, we can only have nominations for a particular kind of membership, but from the local bodies we cannot have people elected, who do partake of the principle of nomination rather than the principle of election.

Mr. Deputy-Speaker: —who themselves are not elected.

Shri Nagi Reddy: No; the Government nominate them. It is the Government that nominate.

Mr. Deputy-Speaker: This is what the hon. Member wants to say—that is, the people, who themselves are not the real representatives of the people. That is what I said.

Shri Punnoose: It is not the intention of the Constitution at all.

Mr. Deputy-Speaker: I do not know what the procedure is in other States, but so far as I remember, I can say about the position in Punjab. There, in all district boards, I suppose all the members are elected.

Shri Nagi Reddy: It is always so in Andhra. But today, it has become topsy-turvy and all of them are nominated.

Mr. Deputy-Speaker: The hon. Member might conclude his remarks.

Shri Punnoose: In Kerala, all the members are elected in the district boards. Here, all of them are sought to be nominated.

Mr. Deputy-Speaker: The hon. Member might try to conclude.

Shri Nagi Reddy: For 15 minutes and more, I have been interrupted and cross-examined so much of the time was taken away.

Shri Radhelal Vyas (Ujjain): The hon. Minister will give his reply soon, and before then, other Members also must have a chance.

Mr. Deputy-Speaker: Those interruptions and interjections are also part of the job.

Shri Nagi Reddy: I have one or two more points and I shall finish. I say that so far as Andhra Pradesh is concerned, there is another point. For example, as regards the municipalities, we are giving a provision here that they will elect. May I remind the House of one fact that municipalities do not exist at all in Andhra in respect of some districts? For instance in two major municipalities, the biggest municipalities there,—Vijayawada and Guntur—no municipal councils at all are there for the last two years, for the simple reason that the ruling party is not going to get a majority there. They have been abolished; no elections are being held. I would ask, why we should come forth with clause here to say that municipal representatives should have the right to elect certain members to the State Councils when two municipalities, and major municipalities at that, are not allowed to even have elected councils. This way, we are going to make the whole of the State Council of Andhra a kind of handle of the ruiling party and it is not even to the extent that is proposed here, namely, the representatives of those who ought to be elected. That is one point which I would like to say.

In the end, I say this. Quite a number of times I have seen it, and it has been my unfortunate experience that nominations to the Councils are political nominations. I had the experience in 1952, when I was a member of the Madras Legislative Assembly, when the ruling party nominated —of course, with all due respect to the greatest statesman of our nation—Rajaji. I only say that he was nominated for the specific purpose of becoming the Chief Minister of the State. The whole Constitution has been over-ruled in that, and the whole tradition has been ruined because of that. The Constitution says that great men of literature, great men of science—not that Rajaji is not a man of literature—would be

[Shri Nagi Reddy]

But it was not for that purpose at all that they nominated him. I would ask, why try to impose a Council of that type on my part of the country when it is going on peacefully without that?

Therefore, for all these reasons, this Bill is a Bill which has no consideration except political consideration, to give certain political pensions to those people who are not in the political field today. It is to resolve acrimony and recriminations that are arising within the ruling party. Therefore, I think this Bill has no purpose. So, I say, at least let the Andhra State be not bothered with this new imposition of the Legislative Council.

Mr. Deputy-Speaker: Shri Assar.

Shri Mohamed Imam: May I know the list of Speakers?

Mr. Deputy-Speaker: No list. I am going to call the hon. Minister after Shri Assar speaks, and then I will give, during the clause-by-clause consideration stage, opportunities to those Members who had none in the general discussion.

Shri Yadav (Barabanki): I would submit that I have an amendment.

Mr. Deputy-Speaker: He will get an opportunity.

Shri Yadav: I have got an amendment to the motion.

Mr. Deputy-Speaker: Then also it does not necessarily follow that he must have an opportunity. It is not necessary, but I will see, after Shri Assar has spoken.

Shri Yadav: A few minutes only.

Mr. Deputy-Speaker: Let Shri Assar speak first. If there is time, I shall see if I can accommodate the hon. Member.

श्री आसर (रत्नागिरि) : उपाध्यक्ष महोदय, मैं इस बिल का सिद्धान्ततः विरोध करने के लिये खड़ा हुआ हूं। आज जब हम इस बिल पर विचार करते हैं तो हमारे मन में विधान परिषदों को खत्म करने का विचार आता है क्योंकि आज हमारे प्रत्यक्ष लेजिसलेशन में इसका कोई उपयोग नहीं है। आज हम आर्थिक दृष्टि से संकट में हैं और हर एक विभाग में कटौती का प्रस्ताव रखना चाहते हैं और भूखी नंगी जनता पर टैक्स लगाते हैं। ऐसे समय पर इस बिल द्वारा हम जनता पर विधान परिषदों का बोझा डालना चाहते हैं। भारतीय जन संघ की यह मांग है कि ऐसी जो फिजूल खर्ची है इसको तुरन्त बन्द करने के लिये विधान परिषदों को खत्म किया जाये। इस खर्च को कम करके हम आज करोड़ों रुपयें की बचत कर सकते हैं और इस प्रकार अपनी भूखी नंगी जनता को, जिसे नये टैक्स लगाकर परेशान किया जाता है, कुछ राहत दे सकते हैं।

बम्बई विधान सभा ने सन् १९५३ में विधान परिषद् को खत्म करने का निश्चय किया था लेकिन आज वहां भी विधान परिषद् के सदस्य बढ़ाने का इस बिल में प्रबन्ध है। मुझे ताज्जुब होता है कि बम्बई सरकार इसमें क्यों भाग ले रही है। इसके बारे में मुझे तो ऐसा लगता है और जनता में भी यह चर्चा चल रही है कि जो कांग्रेसी चुनाव में हार जाते हैं उनको कही भी स्थान देना आवश्यक है, इसके लिये ये विधान परिषदें रखी गयी हैं और आज उनको बढ़ाया जा रहा है। और इस प्रकार से चुनाव में जो लोग हार गये हैं उनको बैकडोर से लाने का प्रयत्न हो रहा है।

दूसरी बात यह है कि आज काउंसिल और असेम्बली के निर्माण में एक सी पद्धति लगायी जाती है। असेम्बली के मेम्बर भौगोलिक आधार पर चुने जाते हैं और काउंसिल में भी असेम्बली द्वारा चुने हुये मेम्बरों की संख्या अधिक होने के कारण उन्हीं हितों को रिप्रेजेंट करते हैं जिनको असेम्बली भी रिप्रेजेंट करती है। इसलिये

काउंसिल का काम सिर्फ असेम्बली के कामों पर मुहर लगाना है । इसलिये काउंसिलों के निर्माण का जो उद्देश्य है वह सफल नहीं हो पाता । आज काउंसिल में भी नामिनेटेड मेम्बर होते हैं । इसका कारण तो यह होता है कि कांग्रेस अपना वर्चस्व कायम रखना चाहती है यानी अपने अधिकारों का दुरुपयोग करती है ।

मैं ने यह बात ऊपर बताई है कि चुनाव में गिरे हुये उम्मीदवारों के लिये काउंसिलें बनायी गयी हैं । इसके अलावा जिनको चुनावों में असेम्बली की सीट नही दी जाती उनको मनाने के लिये यह आश्वासन दिया जाता है कि आप नाराज न हों आपको काउंसिल में सीट दी जायेगी । इस कारण लोकतन्त्र नहीं चल सकता क्योंकि ऐसा करना लोकतन्त्र के लिये खतरनाक है । इसलिये मेरा यह स्पष्ट मत है कि विधान परिषदें खत्म की जायें, लेकिन यदि आप उनको रखना चाहते हैं तो उसके लिये मैं दो तीन प्रस्ताव रखना चाहता हूं ।

१. काउंसिल का चुनाव भौगोलिक दृष्टि से न हो कर व्यावसायिक क्षेत्र से हो;

२. नामिनेटेड मेम्बरों की नियुक्ति न की जाये; और

३. चुनाव में गिरे हुये उम्मीदवारों को काउंसिल के लिये खड़ा होने का अधिकार न हो ।

Shri Yadav *rose*.

Mr. Deputy-Speaker: His amendment is out of order. He may speak for a few minutes.

Shri Jadhav (Malegoan): On a point of information. Did you call Yadav or Jadhav?

Mr. Deputy-Speaker: I have called the hon. Member who has tabled the amendment.

Shri Jadhav: I have also tabled amendment No. 66.

Mr. Deputy-Speaker: I have called this hon. Member who has tabled amendment No. 2.

Shri Yadav: My amendment is No. 1.

Shri Braj Raj Singh (Firozabad): No. 2 is in my name.

Mr. Deputy-Speaker: Amendment No. 1 is all right. I was speaking about amendment No. 2 perhaps by overnight. Shri Yadav may speak.

श्री यादव : सब से पहले तो उपाध्यक्ष महोदय, मैं आपको धन्यवाद देना चाहता हूं कि आपने मुझे बोलने का मौका दिया ।

उपाध्यक्ष महोदय : बहुत थोड़ा समय है इसलिये आप धन्यवाद पर उसे खर्च न कीजिये ।

श्री यादव: उपाध्यक्ष महोदय, यह जो विधेयक सदन के सामने प्रस्तुत है इस में मेरा एक संशोधन है । मे इस बिल का उसूलन विरोध करता हूं और माननीय सदन से निवेदन करना चाहूंगा कि इस विधेयक को जनता की राय जानने के लिये घुमाया जाये और यह कहता हूं कि सन् १९५७ की दिसम्बर की ३१ तारीख तक वापस आ जाना चाहिये ।

माननीय मंत्री महोदय ने जब इस विधेयक को सदन के सामने प्रस्तुत किया तो यह कहा था कि यह विधेयक कांट्रोवर्शियल नही है परन्तु मे आपके द्वारा इस सदन से निवेदन करूंगा कि स्वतन्त्रता प्राप्ति के पूर्व कांग्रेस का निर्णय और कांग्रेस द्वारा निर्मित कमेटियां जिन्होंने इस मामले में छानबीन की उन्होने भी यह अपनी राय दी है कि यह दो सदन वाला लेजिस्लेचर नही होना चाहिये । उसके बाद फिर सन् १९५३ में बम्बई लेजिस्लेचर का भी जो प्रस्ताव था उससे विदित होता है कि वहां की जनता, माननीय सदस्यगण और कुछ बड़े और विवेकी पुरुष इसके खिलाफ थे । इसके बाद मैं ने अभी आदरणीय बीरबल जी की बात को सुना । वे भी कांग्रेस के

[श्री यादव]

हैं। वे उत्तर प्रदेश के हैं। उनका एक विशेष स्थान है और वह एक महान और योग्य पुरुष हैं। उनके भी मैंने विचार सुने। इसी तरह से इस सदन में जो अनेकानेक दल हैं उनके भी सदस्यों की राय सुनी। और मैं यह निवेदन करना चाहूंगा कि केवल इस माननीय सदन के माननीय सदस्यों की राय इस विधेयक के खिलाफ नहीं है बल्कि इस सदन के बाहर भी देश के अन्दर जो बड़े और प्रभावशाली लोग हैं और जो जानकार लोग हैं उनकी भी राय यह है कि बाईकेमेरेल लेजिस्लेचर की पद्धति को कम से कम राज्यों में समाप्त किया जाये। इसलिये मैं चाहता हूं कि बाईकेमेरेल लेजिस्लेचर नहीं होना चाहिये।

अभी अभी जब मंत्री महोदय ने यह प्रस्ताव प्रस्तुत किया तो यह कहा कि यह जो प्रस्ताव प्रस्तुत हो रहा है उसका एक मूल कारण तो यह है कि सविधान उन पर यह जिम्मेवारी डालता है इसलिये वे इसे लाने के लिये विवश हैं। उन्होंने यह भी कहा कि स्टेट्स ने भी मांग की है, इसलिये हम इसे पास करने जा रहे हैं। मैं निहायत अदब के साथ निवेदन करूंगा कि सदन में स्टेट्स रिआर्गेनाइजेशन बिल जो पेश किया था उसमें तो बम्बई या मध्य प्रदेश मे इस तरह की लेजिस्लेटिव काउंसिल की स्थापना करने के लिये राज्यो की कोई माग नही थ.। इसके अतिरिक्त मै सन् १९५३ के बम्बई विधान सभा के प्रस्ताव के बारे में मंत्री महोदय का ध्यान खींचना चाहता हूं। फिर मैं सदन का ध्यान संविधान की धारा १६९ की ओर खींचना चाहता हूं। उसमें ये सीधे शब्द है कि पार्लियामेंट चाहे तो इस तरह की व्यवस्था कर सकती है, कोई जबरदस्ती नही है। यह जरूरी नहीं है कि यदि कोई विधान सभा यह प्रस्ताव पास कर दे तो यह पार्लियामेंट ऐसा करने के लिये मजबूर है। यदि इसका यह अर्थ लगाया जाये कि पार्लियामेंट ऐसा करने के लिये बाध्य है तब तो इस पार्लियामेंट की सार्वभौमिक सत्ता पर एक जबरदस्त आघात होगा। तो ऐसी बात नहीं है। संविधान की इस धारा १६९ के अन्तर्गत एक व्यवस्था और है वह यह कि पार्लियामेंट अगर चाहे तो बाईकेमेरेल लेजिस्लेचर के सिस्टम को समाप्त कर सकती है।

एक बात उठायी जा सकती है इस सम्बन्ध में कि अगर विधान सभायें ऐसे प्रस्ताव पास करें। आज केरल को छोड़ कर भारत के समस्त राज्यों में किसका राज्य है? वहा पर कांग्रेस का बहुमत है। उन्ही के हाथों में वहा की सरकारें हैं। आज केन्द्रीय सरकार और राज्य सरकारे यह चाहती हैं कि हमारे खर्च में कमी हो। आज हम एक कठिन समय से गुजर रहे हे और जनता पर मनमाने ढग से टैक्स लगा रहे हैं। किस लिये? इसलिये कि हमारी पंचवर्षीय योजना चल रही है, हमको उसे पूरा करना है, उसके बगैर हम जी नही सकते। पिछले दिनों हमने देखा कि थर्ड क्लास के पैसेंजर्ज के फ़ेयर्ज को, जो कि पहले से ही बहुत बढ़े हुये थे, फिर बढ़ा दिया गया। आन्ध्र प्रदेश में पहले कभी भी बाई-कैमेरेन लैजिस्लेचर नही था, परन्तु अब वहां पर लैजिस्लेटिव कौंसिल स्थापित करने की व्यवस्था की जा रही है। इस के समर्थन में वहा के प्रस्ताव का हवाला दिया जाता है। होगा कोई प्रस्ताव। परन्तु मैं इस सदन के सदस्यों से और माननीय मंत्री से पूछना चाहता हूं कि आज तक आन्ध्र प्रदेश में विधान परिषद् नहीं थी, तो उसका अहित हो गया? उस पर कौन सी मुसीबत का पहाड़ टूट पड़ा? सभी काम वहां पर ठीक तरह चलते रहे हैं। उत्तर प्रदेश का लैजिसलेटिव कौंसिल में सीट्स की संख्या ७२ है. लेकिन अब उस को बढ़ा कर

१०८ किया जा रहा है। मैं पूछना चाहता हूं कि आखिर इस सब का मतलब क्या है? स्पष्ट है कि इससे खर्च बढ़ेगा, जो कि लाखों और करोड़ों में जायेगा। यह सब कुछ इस तथ्य के बावजूद किया जा रहा है कि पंच–वर्षीय योजना के लिए हम को एक एक पैसे की, जो कि हम जुटा सकते हों, जरूरत पड़ेगी। अगर सरकार वाकई पंचवर्षीय योजना को सफल बनाना चाहती है और उसके विषय में ईमानदार है, तो उसका कर्तव्य होना चाहिए कि वह प्रस्तुत विधेयक को वापस ले। अगर वह इसको वापस नहीं लेना चाहती है, तो फिर उसको यह बात समझ लेनी चाहिए कि यह एक कांट्रोवर्शियल बिल है, देश की जनता इसको पसन्द नहीं करती है और इस सदन के माननीय सदस्य भी इसको पसन्द नहीं करते हैं। मैं तो यहां तक निवेदन करना चाहता हूं कि अगर इस सम्बन्ध में नियंत्रण की बात न हो, डिसिप्लिन की बात न हो, तो सत्तारूढ़ दल के अधिक सदस्य भी इसका विरोध करेंगे। इसलिए इसके बारे में जनता की राय जानना आवश्यक है।

इस बिल में एक व्यवस्था यह की गई है कि गवर्नर के द्वारा विधान परिषदों में सदस्य नामिनेटिड किए जायेंगे। इसका मतलब क्या है? जो लोग चुनाव में नहीं जीते हैं, उनको विधान परिषदों में लाने के लिए यह व्यवस्था की जा रही है। आज कांग्रेस दल एक ऐसा बड़ा दल है, जहां पदों के लिए, टिकटों के लिए और दूसरी सुविधाओं के लिए दरवाजे खटखटाए जाते हैं। अभी अभी आम चुनाव हुए है और माननीय सदस्यों ने देखा होगा कि टिकटों के लिये कितनी परेशानी थी। वह पहला नाटक शायद खत्म हो गया और अब माननीय मंत्री महोदय कुछ लोगों के लिए व्यवस्था करने के लिए, उनको कौंसिल में ले जाने के लिए यह दूसरा नाटक कर रहे हैं। कला के नाम पर, विशेष हितों को प्रतिनिधित्व देने के नाम पर कुछ लोगों को, जिनको असेम्बली में न भेजा जा सका, या जो चुनाव में हार चुके हैं, विधान परिषदों में स्थान देने के लिए नामीनेशन की व्यवस्था की गई है। किसी भी देश में, चाहें वह भारतवर्ष हो या कोई अन्य देश, जो पढ़े लिखे लोग होते हैं, खास तौर से कवि, लेखक और नाटक–रचयिता, जो कि स्वतंत्र विचारों के हुआ करते हैं, जिनसे देश का कल्याण हुआ करता है, सरकार उनको भ्रष्ट करने के लिए और अपने पक्ष की ओर अपने मन की बात कहलवाने के लिए ही नामीनेट कर के कौंसिल्ज में भेजती है।

मैं यह भी निवेदन करना चाहता हूं कि हम तो इस देश में डायरेक्ट डेमोक्रेसी चाहते हैं। हम चाहते हैं कि लोगों को सीधा प्रतिनिधित्व मिले। इनडायरेक्ट डेमोक्रेसी कोई अच्छी और सन्तोषजनक चीज नहीं है। आज इन विधान परिषदों के द्वारा क्या हो रहा है? कहा जा सकता है कि इनके बिना डिस्ट्रिक्ट बोर्ड, म्यूनिसिपल बोर्ड, नोटिफाइड एरिया कमेटी, टाउन एरिया कमेटी और पंचायतों इत्यादि को रिप्रेजेन्टेशन कैसे मिलेगा, अध्यापकों को रिप्रेजेन्टेशन कैसे मिलेगा। मैं यह पूछना चाहता हूं कि अगर यह सरकार जरा भी ईमानदार हो, उसको सोशलिस्टिक पैटर्न आफ सोसायटी के आदर्श का जरा भी ख्याल और लिहाज हो, तो फिर वह डीसेंट्रलाइजेशन आफ पावर–सत्ता का विकेन्द्रीकरण –करने के लिए क्यों नहीं कदम उठाती। क्यों न डिस्ट्रिक्ट बोर्ड, म्यूनिसिपल बोर्ड और अन्य ऐसी संस्थाओं को पूरे अधिकार दिए जायें? क्यों न वही शिक्षा का संचालन करें और सारा राज–काज चलायें? अध्यापक उन्हीं में जा कर शिक्षा के विषय में अपनी राय दे सकते हैं। मैं यह निवेदन करना चाहता हूं कि इस सम्बन्ध में सरकारी पार्टी की या उन माननीय सदस्यों की, जो कि इस बिल के समर्थक है, जितनी भी दलीलें हैं वे बिल्कुल थोथी और बेमतलब हैं। आज पैसे की बहुत कमी है। आज हम भूखे हैं, पैसे पैसे के लिए मोहताज हैं, पैसे के लिए हम अमरीका और रूस के सामने हाथ पसारते हैं। इस अवस्था में यह शाहाना खर्च, यह राजसी ठाट–बाट देख,

[श्री यादव]

कर लोगों को हम लोगों की ईमानदारी पर शुबहा होता है। यह सब देख कर भारतवर्ष के जनसाधारण के मन में बड़ा क्षोभ पैदा हो रहा है। जब हम दो जबानों वाली बात करेंगे, तो वे हमारी ईमानदारी पर शुबहा करेंगे। एक तरफ तो फिजूलखर्ची को बुरा बताया जाता है और पंचवर्षीय योजना के नाम पर गरीब लोगों पर टैक्स लगाया जाता है और दूसरी तरफ नए नए खर्चों वाली मदें लाई जा रही हैं, जिन का कोई मतलब नही है, जो अनावश्यक हैं और जिनसे कोई फायदा होने वाला नहीं है।

उपाध्यक्ष महोदय, एक बात की तरफ मैं और इशारा करना चाहता हूं। लैजिस्लेटिव कौंसिल्ज के विषय में एक व्यवस्था यह है कि हर दो वर्ष के बाद कौंसिल के एक तिहाई सदस्य छंट जायेंगे—सारे के सारे नहीं। आम चुनाव पांच वर्ष के बाद किए जाते है। एक आम चुनाव सम्पन्न हो चुके है। हो सकता है कि अगली बार सत्तारूढ़ दल सफल न हो, वह समाप्त हो जाये और कोई दूसरा पार्टी उसके स्थान पर आ जाये, परन्तु उस समय कौंसिल मे अधिकतर सदस्य उसी दल के होंगे-सिर्फ एक तिहाई छंटेंगे। क्या इस तरह हर बात में झगड़ा नही चलेगा। लोअर हाउस में तो किसी नई पार्टी का बहुमत होगा और कौंसिल में पुरानी पार्टी द्वारा चुने गए सदस्य होंगे। लाजिमी है कि इस व्यवस्था में बहुत सी त्रुटियों होंगी।

इन कारणों से मैं चाहूंगा कि इस बिल को, जो कि हर तरह से कांट्रोवर्शियल है, जनता की राय जानने के लिए सर्कुलेट किया जाये। इसमें गवर्नर द्वारा नामीनेशन जैसी कई प्रतिक्रियावादी धारायें सम्मिलित की गई हैं, जिन को निकाल देना चाहिए। इन शब्दों के साथ में इस सदन से और माननीय मंत्री महोदय से निवेदन करूंगा कि इसी बारे में कोई बड़ी जल्दी नहीं है। अगर कांउसिल्ज स्थापित करनी जरूरी हैं, तो हमारा ख्याल है कि १९६० तक तो कांग्रेस पार्टी यहां रहेगी ही, इसलिए इस बिल को बाद में भी लाया जा सकता है। आखिर कौन सी जल्दी है? कौन सा पहाड़ टूट पड़ा है? कम से कम द्वितीय पंचवर्षीय योजना को समाप्त हो जाने दीजिए। अगर उसके बाद इस पर विचार किया जा, तो बड़ा अच्छा होगा।

The Minister of Law (Shri A. K. Sen): Mr. Deputy-Speaker, I oppose the motion for circulation of the Bill and also for reference of the Bill to a Select Committee and I would ask the House to pass the motion moved by me to take the Bill into consideration.

The arguments advanced in favour of the motion for circulation and against the motion moved by me have been many. But, there has been one main feature throughout the discourse here which appears to me the strongest argument against the Bill. It is that we do not have any need for second chambers. I have said while moving the motion for consideration that such an argument would not be strictly relevant for the purpose of the discussion of the present Bill. Second chambers have been created by the Constitution and reiterated by the States Reorganisation Act. We are only giving effect to certain provisions in the Constitution, especially the Seventh Amendment. I have not really appreciated the arguments that the establishment of second chambers is basically wrong. Whether it is or is not would be relevant only for any future amendment of the Constitution or any Bill which seeks to abolish the existing councils in States which enjoy them.

Mr. Deputy-Speaker: The hon. Members have said that they referred to the one new council which was sought to be established.

Shri A. K. Sen: I am coming to that, Sir. As rightly pointed out by

the Hon'ble Deputy-Speaker those who advanced these arguments had sought to establish this relevancy on the ground that we were seeking to establish a council for the first time in the Andhra Pradesh. It is, therefore, necessary to state once again the reason why in the Bill we have provided for the creation of a council for Andhra Pradesh. The Constitution had specifically mentioned certain big States as those which would be enjoying second chambers. Among those was included the State of Madras as it originally was before its disintegration. Andhra Pradesh which was an integral part of the old State of Madras had been enjoying a particular territorial representation in the council in the Madras State before it was disintegrated.

When the new State of Andhra Pradesh was created, it was not really a question of establishing a new council. It was giving effect to the representation which they had in Madras by way of representation in the upper house. When the State of Madras became less territorially, that old State continued to enjoy a second chamber whereas the territories taken away from the old State of Madras and forming part of the new State of Andhra Pradesh were deprived of their representation which they had been enjoying in the upper house in the Madras State. That is why it was felt that consistent with the principles laid down by the Constitution and the States Reorganisation Act, it was not proper to take away the privilege enjoyed by that part of Madras now known as Andhra Pradesh together with the territories taken from Hyderabad. It is, therefore, not a question of setting up a Council for the first time for that territory and giving effect to a representation which they were not already enjoying under the altered circumstances, I am sure, the House will agree with me that while the old State of Madras, truncated as it is, would be enjoying its own Second Chamber, there is no reason whatsoever—fundamentally or otherwise—to deprive the new State of Andhra Pradesh, composed mainly of territories which formed part of the old State of Madras, of their old privilege of having a second chamber. As I said, whether it was originally right or wrong to have a second chamber in certain States is not relevant for the purpose of our present discussion. It is necessary, however, to state a few points on principle because a good deal of argument has been advanced apparently based on certain high and noble principles.

It has been said that Second Chambers are basically wrong, though it may be necessary to have a Second Chamber at the Centre in a Federal State. But I suppose those hon. members who have been attacking second chambers in the States had felt pangs of conscience while they looked on their left or right to the Rajya Sabha here and thought that their attacks against Second Chambers might really overcome those whom we love and respect, and whose counsel we cherish, and who are very near us at the Centre.

Therefore, a certain contradictory argument was introduced which seemed to differentiate Second Chambers at the Centre from Second Chambers in the States on the basis that a Second Chamber at the Centre was necessary in a Federal State.

Sir, I submit that that argument is basically unsound and ignores the premises on which it is based. A second chamber in a Federal State like the United States of America or Australia or Canada, where it is known as the "Senate" is based on the principle that every State forming part of the Federation must have equal representation at the Centre. This fundamental premise from which that argument or that principle proceeds is that every State is equal in a Federal State. It has equal rights and therefore there must be some structure which recognises that principle and gives equal representation to the States as such. That is why in the United States Senate, every State,

[Shri A. K. Sen]

whether it is big or small, whether it has a population which may be very small compared to others, has equal representation. Same in Australia; same in Canada. But, here, Sir, the Second Chamber set up at the Centre is fundamentally different. We have not recognised the principle of equality of representation for every State, big or small. The Fourth Schedule forms the basis of representation of the Upper House at the Centre, and it negatives the principle of equality of States so far as the Indian Constitution is concerned. Therefore, to draw the analogy from America, Australia or Canada would be absolutely fallacious in supporting a Second Chamber in the Centre while attacking Second Chambers in the States.

Shri T. K. Chaudhuri (Berhampore): Is it the contention of the Hon. Minister that our Second Chamber here negatives also the principle of representation of States?

Shri A. K. Sen: I said that it negatives the principle of equality of representation of States. In regard to representation of States, certainly, the Fourth Schedule speaks loudly for it.

Shri Dasappa (Bangalore): How does the Hon. Minister propose to see that the States as such are represented here in Parliament?

Shri A. K. Sen: Look at the Fourth Schedule. That is the Upper House.

Shri Dasappa: The Upper House is necessary. There are the States to be represented.

Shri A. K. Sen: There is the argument which says that the Second Chamber at the Centre is all right but that Second Chambers in the States are not all right. I am attacking that argument as basically fallacious.

Shri Dasappa: We still have States to be represented in the Upper House here at the Centre.

Shri A. K. Sen: There are others. The States have the local authorities to represent. It is no use laughing over it. Some special constituencies are mentioned in the Constitution and we must pay our deference to those principles, until that principle is changed.

Therefore, my submission is that for a very good reason we must take it for granted that the Constitution thought it proper to establish a Second Chamber at the Centre and in certain big States and for the future, in certain States, which might desire a Second Chamber and which Parliament may bring in by appropriate legislation.

As for the Andhra State, I have already mentioned that it is not a case where a new Council is created for the first time. It is a case where a part enjoying representation though an Upper House is being granted that privilege which it has enjoyed while it was part of another State.

Now, Sir, the second point on which the Bill has been attacked has come from Shri T. K. Chaudhuri supported by Shri Assar and Shri Chavan. It is always pleasing even to hear attacks which come from Shri T. K. Chaudhuri because they are always polished. One does not feel that the attack has come because it is so garbed, so nicely cushioned. I always enjoy his attacks because they are never rude, they are never curt. According to him, we have cleverly introduced this Bill in order to find a check in the Constitutional wall through which our patronage may flow, and by such process we might bring into power or into Parliament or the State Legislatures those who would not otherwise be fit or who would not otherwise be chosen to represent the people. That would be a highly correct and an unanswerable argument, if we had chosen to increase the nominated elements in the composition of the Upper Houses. In that case one might imagine that would be the way through which patronage may flow, because the other elements composing the Upper Houses would be coming from their respective constituencies only by the process of election. They have to be elected by the Legislature, by the local authorities, by the graduates and by the teachers. Those are constituencies created by the Constitution to help their representatives to represent their special views in the Upper House. How can the Government or any ruling party get their patronage expressed in concrete forms through those constituencies, unless they can carry those special constituencies with them in the matter of election? If we had tried to increase the representation of the nominated cadres at the expense of the elected elements, such an argument would have been justified. When we have made it perfectly clear that we have gone to the extent of changing the composition as laid down by Article 171 so as to keep the nominated element constant and giving a greater representation to the elected elements, such an attack is, Sir, unkind and unjustifiable My submission is this. The motives of the Government which have been challenged by some hon. members are perfectly clear. Such a challenge has no foundation and I am constrained to say that those attacks have been chosen because better attacks have not been found possible.

The matter is very simple, as I had said at the very out-set. I said at the very out-set that certain changes were wrought for large scale transformations of certain States which had enjoyed second Chambers. The second fact is that the local legislatures, the State legislatures, had also undergone changes by reason of that fact and by reason also of the fact that due to special delimitations before the last general election as a result of increase in population the sizes of the respective legislatures have increased. Once you accept the principle that the Council must reflect a certain percentage of the composition of the legislature, of the Legislative Assemblies of the different States—and we must accept that principle as the only principle laid down in the Constitution—there is no escape from the fact that while you increase the number composing the State Legislatures, you must at the same time give increased representation in the Upper House. There is no escape from that position.

Now, somebody said—I forget who it was, I think it was the hon. Member Mr. Das—that he found no reason why we have increased the number in certain States where there had already been second chambers. He said that the Seventh Amendment only prescribes a ceiling; it does not give a licence for increasing it, at any cost up to that ceiling. My answer is: what was the fun in increasing the ceiling from one-fourth to one-third, if it was not contemplated then that with the growth in the number composing the State legislature, such an increase must reflect itself in the Council, and the Constitutional fetter of the ceiling of one-fourth may come in the way. There was no fun in raising the ceiling unless it was intended at the same time that the increase might go beyond one-fourth. This House, along with the States, was not indulging in a Constitutional amendment for the fun of it. They knew that after the elections of 1956-57, the size of the local legislatures would be increased and that must reflect in the composition of the upper House. This limit might hamper such a constitutional reform and therefore the ceiling was raised.

Now the very fact that we have not taken advantage—we never wanted to take advantage of any enabling provision—of the ceiling by raising the strength up to the maximum—shows that we have really followed what was contemplated, namely that in order to give effective representation in the upper House in accordance with the constitutional provisions embodied in our Constitution it might be necessary to increase the ceiling beyond one-fourth and that is what exactly we have done. We have been accused here that in Bihar the increase is not exactly equivalent to one-third of the local legislature. It is so everywhere. We have gone beyond one-fourth, but have not gone up to one-

[Shri A. K. Sen]

third. We have kept to the spirit of the amendment. Now, Sir, that answers Mr. Das's argument.

Then it was pointed out in the case of Andhra that there may be local authorities which are not elected bodies. So far as the Constitution is concerned, it has chosen certain special constituencies for the upper Houses, one of these being the local authorities. How the local authorities are to be constituted, is a matter entirely for the respective States. If in certain States the elective element has been whittled down or abolished, or possibly not increased as much as it ought to, be, it is a matter for that particular State legislature to rectify. It has been said that in Andhra the Congress is in power and they want to abolish all the local authorities and through these local authorities they want to get their dummies into the upper House. Well, Sir, I hope that there would be some party more concerned with local authorities than the Congress in future in Andhra.

Shri Nagi Reddy: Oh God!

An Hon. Member: Why God?

Shri Nagi Reddy: Because it is not a case in reality.

Shri A. K. Sen: I thought you believed more in your powers than in God. There is a Bengali saying about the name of God being in the mouth of unbeliever.

It is nice to hear the name of God occasionally in this agnostic age.

Mr. Deputy-Speaker: If the unbeliever comes round why should we not welcome him?

Shri A. K. Sen: It is very refreshing.

Any way we live in a democracy. If one party has been running roughshod over local authorities I am sure the people are robust enough to throw them out. But if they are brought back to power, it shows they are not doing it.

Shri Nagi Reddy: They will do it.

Shri A. K. Sen: I hope so. We shall be very glad if they do that. In this country, fortunately, we have a machinery by which the ruling party can be thrown out which cannot be said of every country.

An Hon. Member: A very old story!

Shri A. K. Sen: Very old, but a very living story.

Now, Sir, I say, therefore, the appeal should be to the local electorate, to the local legislature rather than here, because we have chosen under the Constitution certain special constituencies, namely local authorities and they must be the units through which election to the upper House has to be effectuated.

The next point taken was by the hon. Member Mr. Naga Reddy. He quoted the example of America, USSR and some other countries. About America I have already dealt with. About USSR, frankly speaking, apart from reading the constitution in its barest details, I have not investigated the constitution further. But I am sure the hon. Member will agree with me that the structure of the constitution there is fundamentally different from ours There is one-party rule there. The State is equated with the party and election hardly exists and we have not yet convinced ourselves that that is a better form of constitution than ours.

Shri Nagi Reddy: On a point of information, We were talking of second chambers. USSR has a second chamber at the top but not in the sub-nations, like Ukraine, Georgia, etc.

Shri A. K. Sen: In the absence of free elections, whether it is one chamber, two chambers or three chambers, it is the same.

Now, Sir, Mr, Naga Reddy questions our motives.

Mr. Deputy-Speaker: Mr. Nagi Reddy.

Shri A. K. Sen: Very well, Mr. Nagi Reddy. Naga is masculine; Nagi is feminine. That explains my mistake.

He questions our motives again. He said it is only political consideration which has induced the Government to undertake this measure. It is an attack which frequently confronts us. We can only say that the people believe that we are not actuated by political considerations only and that is why the party which rules today has been returned to power The moment we change our ideals, our considerations and our motives, I have not the slightest doubt that we shall be voted out of power and my hon. friend over there would be voted to power for better ideals, better motives and better considerations.

Now, Sir, I have been impressed by the arguments put forward by Mr. Assar on a particular matter. He says that trade, industry and other special interests should have been given representation. That argument has its merits, because in many countries, as we know, the system of functional representation, which was mentioned by Mr. Sharma yesterday, has been preferred to representation territorially or otherwise, that is, the type of representation that we have chosen for ourselves. But, Sir, a perusal of the records of the Constituent Assembly would show beyond doubt that that question was finally rejected by the Constituent Assembly as not proper to be accepted by us. This was debated for a fairly long time as to whether we should have special interests like trade, industry and labour—I should certainly mention labour along with trade and industry —to bring their special interests into the picture by representation in the Upper House. But unfortunately those that favoured that view were in a minority in the Constituent Assembly. The Constituent Assembly while rejecting that principle accepted the one under which we are holding our elections today for the Upper House. For good or bad, we must accept that principle as binding and proceed accordingly in framing our measure.

Sir, one further point which needs to be mentioned and I shall be confining myself to the limit prescribed by you. That was mentioned, I think, by Mr. Chavan and Mr. Yadav. Both of them said that there was an old resolution—we have forgotten about it now. They have succeeded in raking it up from the archives of the Bombay Legislative Assembly—passed in 1953. I have not, frankly, read it, but I take the version given by the hon. Members as correct. It is said that the Bombay Legislative Assembly by that resolution recommended the abolition of the Second Chamber so far as Bombay is concerned. Much water has flown down the Ganges since then! That old State of Bombay no longer exists. That old Legislature no longer exists. It is a new State of Bombay formed under an Act passed by this Parliament only last year by which it was directed that a new Council should be constituted immediately after the reorganisation of the Bombay State. It was the collective wisdom of this House which I suppose is enough to supersede such an odd resolution passed by an odd Assembly. Pursuant to that Act, as I said in my very opening speech, we were compelled to provide in the new Bill for the constitution of a Council in the Bombay State, that is the new Bombay State. What is the use of thinking of old resolutions when this House has negatived them and the newly elected House of Bombay has passed a fresh resolution recommending the constitution of a Council as early as possible?

I think that finishes my reply to the various points raised by hon. Members. I am extremely grateful to them for the keen interest they have shown and I am confident that this House will accept my motion.

Shri Dasappa: What about Mysore? You have not said anything.

Shri A. K. Sen: The hon. Member wants to know about Mysore. Hon. Members have no doubt noticed that for the Punjab we have provided the delimitation of constituencies in the Bill itself. In the [illegible]

[Shri A. K. Sen]

introduced and which we have been discussing from yesterday we did not provide similarly for Bombay and Mysore. I am accepting the suggestion coming from Mysore and Bombay now.

Shri Mohamed Imam: You are moving a separate amendment, is it not?

Shri A. K. Sen: Yes. I referred to this because Mr. Dasappa mentioned it.

Shri Mohamed Imam: Mr. Dasappa is not the only representative from Mysore.

Shri Dasappa: He did not mention Mysore.

Mr. Deputy-Speaker: Order, order.

Shri A. K. Sen: *He is one and I am* answering his queries. He may not be the only one but he is certainly one who is entitled to respect. And I am only, in deference to his query, saying that we are moving a separate amendment for that purpose.

Mr. Deputy-Speaker: I will put the amendments first. Amendments No. 1 and No. 68 are identical. Therefore only one shall have to be put. I will put amendment No. 1 in the name of Mr. T. C. N. Menon

The question is:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of December, 1957."

The Lok Sabha divided.

14-36 hrs.

[MR. SPEAKER *in the Chair.*]

Shri Pramathanath Banerjee (Contai): Sir, there is a mistake

Mr. Speaker: If there is a mistake I shall ignore it.

Shri Sadhan Gupta (Calcutta-East): The vote should be recorded correctly.

Mr. Speaker: What does the hon. Member want to vote for?

Shri Pramathanath Banerjee: I want to vote for 'Ayes'.

Mr. Speaker: Hon. Members will kindly note that a photostat copy will be hung up outside. If there is any mistake, it may be brought to my notice. Then I will put it correctly in the official records. But there should not be any after-thought in this matter. Immediately a mistake is committed, if it is brought to my notice, I am prepared to accept it. *Now Shri Pramathanath Banerjee has* voted for 'Noes'. That has to be corrected into 'Ayes'. The result of the division

Shri S. L. Saksena (Maharajganj): I have also committed a mistake.

Mr. Speaker: I cannot excuse the mistake on the part of the hon. Member. He has been a Member of Parliament for a number of years. I can excuse if a new member has done it.

Shri Nagi Reddy: His machine is out of order.

Mr. Speaker: We are all either small or big machines and machines sometimes do go out of order. Now the result of the division, after including the name of the hon. Member, is as follows:

Ayes 52: Noes 134. So the amendment is lost.

Division No. 32]

[**14.40 hrs.**

AYES

Assar, Shri
Aswasthi, Shri
Banerjee, Shri Pramathanath
Beck, Shri Ignace
Bhadauria, Shri
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Brij Narayan "Brijesh", Pandit
Chakravartty, Shrimati Renu
Chandramani Kulo, Shri
Chaudhuri, Shri T.K
Chavan, Shri D.R.
Dige, Shri
Elias, Shri M.
Gaikwad, Shri B.K.
Ghosal, Shri
Ghose, Shri S.
Goray, Shri

Gupta, Shri Sadhan
Imam, Shri Mohamed
Iyer, Shri Easwara
Jadhav, Shri
Kodiyan, Shri
Kumaran, Shri
Kumbhar, Shri
Kunhan, Shri
Majhi, Shri R. C.
Mathur, Shri M. D.
Menon, Shri Narayanankutty
More, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Panigrahi, Shri
Parmar, Shri K. U.
Parulekar, Shri
Parvathi Krishnan, Shrimati
Patel, Shri P. R.
Patil, Shri Balasaheb
Patil, Shri Nana
Prodhan, Shri B. C.
Ramam, Shri
Rao, Shri D. V.
Reddy, Shri Nagi
Sharma, Shri H. C.
Singh, Shri L. Achav
Siva Raj, Shri
Sugandhi, Shri
Vajpayee, Shri
Valvi, Shri
Yadav, Shri
Yajnik, Shri

NOES

Abdul Lateef, Shri
Achar, Shri
Ambalam, Shri Subbiah
Arumugham, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Ayyakannu, Shri
Bahadur Singh, Shri
Balakrishnan, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhakt Darshan, Shri
Bhargava, Pandit Thakur Das
Bhogji Bhai, Shri
Bidari, Shri
Borooah, Shri P. C.
Bose, Shri P. C.
Brahm Perkash, Ch.
Chandra Shanker, Shri
Chuni Lal, Shri
Daljit Singh, Shri
Dasappa, Shri
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Shree Narayan
Dindod, Shri
Eacharan, Shri I.
Elayaperumal, Shri
Gaekwad, Shri Fatesinghrao
Ganapathy, Shri
Gandhi, Shri M. M.
Ghosh, Shri M. K
Gounder, Shri K. P.
Hasda, Shri Subodh
Hem Raj, Shri
Hukam Singh, Sardar
Jain, Shri M. C.
Jangde, Shri
Jena, Shri K. C.
Jhunjhunwala, Shri
Jyotishi, Pandit J. P.
Kanakasabai, Shri
Kanungo, Shri
Keshava, Shri
Khimji, Shri
Krishna Rao, Shri M. V.
Lahiri, Shri
Lal, Shri R. S.
Laskar, Shri N.C.
Laxmi Bai, Shrimati
Maiti, Shri N. B
Malliah, Shri U. S.
Malviya, Shri Motilal
Mandal, Dr. Pashupati
Maniyangadan, Shri
Mathur, Shri Harish Chandra
Mehta, Shri J. R.
Mishra, Shri B. D.
Mishra, Shri Bibhuti
Mishra, Shri R. D.
Munisamy, Shri N. R.
Morarka, Shri
Murmu, Shri Paika
Murthuy, Shri B. S
Naidu, Shri Govindarajalu
Nair, Shri Kuttikrishnan
Nallakoya, Shri
Nanjappa, Shri
Narayanasamy, Shri R.
Nehru, Shrimati Uma
Nek Ram, Shri
Onkar Lal, Shri
Oza, Shri
Padalu, Shri K. V.
Palchoudhuri, Shrimati Ila
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri N. N.
Patel, Shri Rajeshwar
Pillai, Shri Thanu
Radhamohan Singh, Shri
Raghunath Singh, Shri
Rajiah, Shri
Rakhmaji, Shri
Raman, Shri C. R. Pattabhi
Ramananda Tirtha, Swami
Ramaswami, Shri S. V.
Ramaswamy, Shri K. S.
Ram Subhag Singh, Dr.
Rane, Shri
Ranga, Shri
Rangarao, Shri
Rao, Shri Jaganatha
Reddy, Shri Narapa
Reddy, Shri Rami
Roy, Shri Bishwanath
Rungsung Suisa, Shri
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Sanganna, Shri
Satyanarayana, Shri
Selku, Shri
Sen, Shri A. K.
Shah, Shrimati Jayaben
Shankaraiya, Shri
Sharma, Shri D. C.
Shastri, Shri Lal Bahadur
Shivananjappa, Shri
Siddiah, Shri
Singh, Shri D. N.
Singh, Shri T. N.
Sinha, Shri Gajendra Prasad
Sinha, Shri Satyendra Narayan
Snatak, Shri Nardeo.
Soren, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.
Tewari, Shri Dwarikanath.
Thimmaiah, Shri
Thomas, Shri A. M.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tula Ram, Shri
Umrao Singh, Shri
Upadhyaya, Shri Shiva Datt
Venkatasubbaiah, Shri
Vishwanath Prasad, Shri
Vyas, Shri R. C.
Vyas, Shri Radhelal

The motion was negatived.

Mr. Speaker: So, I take it that other amendments Nos. 3, 66, 67 and 79 for circulation are being withdrawn. Have the hon. Members the leave of the House to withdraw those amendments?

The amendments were, by leave, withdrawn.

Mr. Speaker: I take it that amendment No. 69 is not pressed.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

> "That the Bill to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States having such Councils and for matters connected therewith be taken into consideration."

The motion was adopted

Clause 2.—(Definitions)

Mr. Speaker: The House will now take up clause by clause consideration. Hon. Members from Andhra can say that we do not want a Legislative Council at all for the Andhra State. But, in the case of others, they cannot say: we do not want a Council. We will take up clause 2. I find that there are no amendments to clause 2.

The question is:

> "That clause 2 stands part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.- (*Creation of Legislative Councils for Andhra Pradesh*)

Shri Nagi Reddy: I beg to move:

(i) **Page 1**—

omit lines 11 to 15.

(ii) **Page 1, lines 12 and 13**—

omit "a Legislative Council for the State of Andhra Pradesh".

(iii) **Page 1, line 15**—

omit "Andhra Pradesh".

Shri Yadav: I beg to move:

(i) **Page 1, line 16**—

for "90" *substitute* "78".

(ii) **Page 2**—

omit lines 5 to 7.

Shri Narayanankutty Menon (Mukandapuram): I beg to move:

(i) **Page 1, line 16**—

for "96" *substitute* "41".

Shri D. V. Rao (Nalgonda): I beg to move:

(i) **Page 1, line 16**—

for "90" *substitute* "45".

(ii) **Page 1, line 19**—

for "31, 8 and 8" *substitute* "16, 4 and 4".

(iii) **Page 2, line 4**—

for "31" *substitute* "16".

(iv) **Page 2, line 7**—

for "12" *substitute* "5".

Shri T. K. Chaudhuri: I beg to move:

(i) **Pages 1 and 2**—

omit lines 16 to 19 and 1 to 7, respectively.

(ii) **Page 2, lines 9 and 10**—

for "after consultation with the Election Commission, shall by order" *substitute*— "shall ask the Election Commission to".

(iii) **Page 2, lines 13 and 14**—

omit "under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171".

(iv) **Page 2, lines 19 and 20**—

omit "and of the Representation of the People Act, 1950, and the Representation of the People Act, 1951".

Shri Venkatasubbaiah: I beg to move:

(i) **Page 1, line 16**—
for "90" *substitute* "96".

(ii) **Page 1, line 19**—
for "31" *substitute* "34".

(iii) **Page 2, line 4**—
for "31" *substitute* "34".

Mr. Speaker: All these amendments are before the House.

Shri Negi Reddy: There is nothing for me to add to what I have already stated. Yet, I would only say this because I have to reply to a point made by the hon. Minister that the Andhra Pradesh Assembly had passed a resolution to this effect. But, after the Andhra Pradesh Assembly has passed the resolution, the Parliament should also take into consideration the experience that we had for the past so many years in the working of the State Councils and whether they have done us any good.

14-45 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

It is only if there is something useful that something more is to be added to the administrative machinery that we already have. Well, there must be a necessity to add something more to the existing State machinery. At a time when we are concentrating all our efforts to increase our revenues, to increase our efforts to successfully implement the Second Five Year Plan, when we are asking the people to sacrifice so much and tighten their belts and shoulder responsibilities, I fail to understand why we are going to add another Bill for the extravagant expenditure that is already taking place. I wish the hon. Minister will take this into consideration and will not add much more deficit to the already existing deficit of the Andhra State, even though the Andhra State Legislative Assembly might have asked for it. Therefore, I request, at least Andhra might be deleted from this Bill.

Shri Ranga (Tenali): My hon. friend says at this stage that the Bill be withdrawn. If we had any objection to the bi-cameral system of legislature, we would have changed it at the time of making the Constitution. Or we could have changed it the second time when we provided for second chambers in various States. I think it is a bit too late now to ask this House to say that Andhra State should not have its second chamber.

Secondly, the people of Andhra, through their elected representatives in their Legislative Assembly, have already expressed their opinion in favour of having a second chamber. So, I do not think it would be proper for us now to go against the express wishes of the people of that particular area after all that has happened.

Thirdly, I am not quite satisfied with the decision about fixing the number at 90 and not 96. If you look into the provisions of the Bill, you will find that they have given full quota for the teachers and graduates. It is only when we come to the representation to be given to the Assembly members and also to the local boards that we find the reduction in the number given to the Andhra's second chamber has affected them. It limits their interests too. I would like to know whether it is too late already for the Government to amend it suitably so that the number could be raised from 90 to 96, as was asked for in the Andhra Legislative Assembly.

I began to entertain a doubt yesterday whether provisions made in this particular Bill would really affect the right of the members of the local boards *i.e.*, district boards, major panchayats and minor panchayats, to take part in this election, after having been elected to their panchayats. I consulted the Law Minister and also the original Act of 1950 and I found that they are entitled to the franchise. Therefore, I sincerely hope that in order to make this proposed second chamber much more representative than it is proposed here, it would be a good thing to increase the strength, because then the elected representatives of the local Assembly and also the elected representatives of the Panchayats, major and minor, and the district boards would come, together, to have a greater quantum of representation than proposed in this Bill.

Swami Ramananda Tirtha (Aurangabad): I did not want to participate in the discussion, but after hearing the arguments of my friend opposite, Shri Nagi Reddy, I wish to say a few words.

[Swami Ramananda Tirtha]

It is too late in the day to dispute the relevancy or otherwise of having second chambers in the country since we have accepted that already, and it is only an appeal from Phillip sober to Philip drunk. Therefore, it is not correct now to say that we should not have second chambers.

In regard to Andhra State, Shri Nagi Reddy has stated that because of the representation given to the district boards and certain other municipalities which have been superseded, the elective principle suffers and therefore this Bill should be held up. The law Minister has already stated that that is not the proposition before the House. I can very well appreciate and also realise the difficulties which Shri Nagi Reddy had in mind in regard to the composition of the Legislative Council in the new Andhra State. Well, if there is any inconsistency or lacuna or defect, it has to be rectified there in the State. I can understand that there should not be representatives elected by non-representatives of the people That is perfectly correct, and I hope the Andhra Government and the Andhra State Assembly will see to it that before this Legislative Council of the new Andhra State is formed, these defects are removed. But to hold up the passage of this Bill because there are certain defects in the composition of the district boards or the local bodies would be too much.

Certain arguments have been advanced that if this House or the Government wants to show any favour to Andhra State, it should be shown in regard to the developmental schemes and not in regard to the legislature. That is quite a different matter and should not be mixed up with this issue. Andhra State is a vigorous State, and one of the finest States of the Republic of India, and we should not grudge a second chamber to such a State when there are going to be second chambers in other States also. I think the Andhra people are entitled to it and I fully support this.

Shri D. V. Rao: My amendment 19 is for reducing the strength of the Andhra Legislative Council by half.

Most of the local bodies are nominated in the Telengana districts, and in the Andhra part there are advisory councils. Four or five days ago, the Minister of Local Boards in Andhra State, Shri Brahmananda Reddy, stated that Rs. 30 to Rs. 40 lakhs are required for these elections, and due to paucity of funds it is impossible to hold the district board elections, that therefore a suggestion is under consideration that hereafter the NES block advisory councils may discharge the functions of the district boards, that there may be some advisory bodies for the districts and nothing more. When this is the case we cannot expect any elected representatives in the district boards and therefore these nominated representatives electing members of the Lgislative Council will be quite undemocratic.

Mr. Deputy-Speaker: There is one difficulty. He will find that article 171 (3) of the Constitution states:

> "(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;"

Parliament can specify the other local bodies, but so far as the district boards are concerned, Parliament cannot say that they shall not be represented in the Council.

Shri D. V. Rao: I want to say that such representation will not be proper and democratic. Hence we should reduce the strength of the Legislative Council. That is my point.

Then, elections to the panchayats are going to be completed by the end of the Second Five Year Plan. Now, in the Andhra area of the State, they have some elected panchayats, while in the Telengana area there are two types of panchayats, some partially nominated and others, which are now coming into existence, fully elected. Therefore, here also the nominated members will take part in electing the members of the Legislative Council, and that will be quite undemocratic. Therefore, to give the full strength to the Council would be harmful and should be reduced to half.

Our Constitution provides that only secondary school teachers and above can take part in these elections, the primary school teachers cannot take part Therefore, it is no use giving representation to the fullest extent and hence I want a reduction in the strength.

The hon Minister has stated that as far as possible he is trying to minimise nominated Members. In that connection I have suggested a reduction, that only five should be nominated Members.

Therefore, I request that my amendment may be accepted by the House.

Shri Narayanankutty Menon: I have moved a formal amendment to reduce the strength of the Andhra upper house to 41 I have moved this amendment to record a protest against not only increasing the strength of upper houses in the States, but also against the creation of an upper house in a State where an upper house is not functioning today.

The hon Minister in commending the Bill for the consideration of the House made that because our Constitution has accepted in principle the functioning of second chambers, in discussing this Bill it is not proper for us nor is it warranted to discuss the merits and demerits of the second chamber itself.

No doubt the Constitution has accepted the principle of second chambers, and this Bill, in accordance with the provisions of the Constitution, is giving a second chamber to this particular State If in considering this Bill generally or any particular clause of it, discussion about second chambers becomes irrelevant, this Bill should not have been introduced at all.

15 hrs.

About the merits and demerits of the second chambers, that discussion becomes relevant because if we are to support the provisions of the Bill or oppose them, the only relevancy as far as this is concerned, is that of the necessity for the functioning of second chambers It has been accepted by everyone concerned that the very conception of a second chamber has become antiquated and out-dated especially after the party system of government has come into being. You will find that this House is functioning under the Constitution and there is an Upper House What, in effect, will happen when a party is in power will be that the party whip will be functioning in the Lower House and naturally the same whip cannot function in a different way in the Upper House. The result will be that the benefit we are supposed to get from a more mature deliberation in the Upper House will be nullified. When during the Second Five Year Plan period we could not afford to have even envelopes for Parliament Members everyday and they have to return them, when austerity measures have gone to that extent, how can we afford to have the luxury of accommodating all these gentlemen in the Upper Houses and spending so much of money. If it is so essential for the functioning of the democratic system of government, certainly at whatever cost we should find a provision for Upper Houses. But when once it is agreed by everyone that in effect this will be a luxury not having anything to do with the purpose of democratic functioning, certainly it is a luxury which we cannot afford.

But as the Andhra Pradesh Assembly has asked for it by a resolution, I am introducing an amendment to keep it to the absolute minimum of 41, so that the purpose of the benefit which, according to the Hon. Minister, may accrue to the Andhra Lower House, the benefit of mature deliberation, and at the same time the purpose of keeping expenditure to the absolute minimum, may be served.

Shri Venkatasubbaiah: My amendment seeks to raise the strength of the proposed Andhra Pradesh Legislative Council from 90 to 96. When we look at the Schedule here, we find that the strength of the Council that has been decided is not all in conformity with the principle of one-third strength of the Legislative Assembly. In my previous speech, I mentioned that the strength of the Madhya Pradesh Assembly is 288 and has been given the same strength as that of the proposed Andhra Legislative Council. My request to the hon. Minister is that since Andhra Pradesh is the fourth largest State with so many interests there and since three different regions come together there, adequate representation should be given and the strength increased from 90 to 96.

Regarding the question of the representative character of local authorities raised by Shri Nagi Reddy, I wish to say that his statement is not entirely correct. So far as the Andhra portion of Andhra Pradesh is concerned, the entire area is covered by panchayats for which elections have been held on the basis of adult franchise and almost all the villages have come under the panchayat system. There is no nominated character in the panchayats. Elections have also been held for the municipalities

Regarding district boards, our Minister of Local Self-Government was saying the other day that instead of district boards, we should constitute NES Block Committees so that the work in connection with the Second Plan might be carried out more effectively. He did not mention in his speech about the constitution of these Block Advisory Committees, whether they should be on an elected basis or on a nominated basis, because in the NES Block Committees also various panchayats, which have been elected on adult franchise, have representation. So we cannot rule it out and say that these Block Committees are far from having an elected representative character.

I would once again request the hon. Minister and appeal to him to see that the strength of the proposed Council is increased from 90 to 96.

Shri B. S. Murthy: I just want to say two or three words in regard to what Shri Nagi Reddy was saying about austerity measures, that austerity measures would not allow the Andhras to have the luxury of a Legislative Council. I would like to tell my hon. friend that this is another austerity measure because you will get new talent to sit in deliberation regarding our Second Plan......

Shri Nagi Reddy: Political pensioners.

Shri B. S. Murthy: Political Jobbery?

Shri Nagi Reddy: Exactly.

Shri B. S. Murthy: I leave it to you, according to your standards, to judge the meaning.

Shri Jaipal Singh (Ranchi—West-Reserved—Sch. Tribes): Is he addressing the Chair?

Shri B. S. Murthy: My hon. friend is not in the Chair.

Therefore, the plan is to get as much new talent as possible that is available in the Andhra State so much so that the welfare of the State will be better cared for and then all the austerity measures could be dispassionately discussed and new methods devised.

Regarding Shri D. V. Rao, he said that the Minister of Local Self-Government in Andhra stated this and that. I do not agree with him. Here in page 11, in the Third Schedule, it has been mentioned—Municipalities, District Boards, Cantonment Boards, City and Town Committees, Class I panchayats and Class II panchayats. Therefore, I do not think it is possible for the Andhra State to postpone the district board elections.

The point that has been engaging the mind of the Andhra Minister is whether to have district boards, as they are at present constituted, or to have a different type of boards which can function better for the welf- of the people.

Shri Nagi Reddy: By nomination.

Shri B. S. Murthy: My hon. friend, Shri Nagi Reddy, thinks of nomination. In his Party, there is nothing but nomination.

Shri Nagi Reddy: We are talking of a State of affairs in Andhra where the Minister has come forward to say that he is keen to nominate district boards. That is a fact.

Mr. Deputy-Speaker: Can he continue to make a speech while sitting?

Shri B. S. Murthy: I am only giving back in the same coin. Elections are there; selections are there; nominations are there. These are varieties. My hon. friend, Shri Nagi Reddy, knows only of nomination, nothing but nomination. We shall have all these. Therefore, we shall certainly have elections to district boards.

Mr. Deputy-Speaker: He may be brief now.

Shri B. S. Murthy: The third point I want to make is this. In the list of the proposed strength of each State, for Bihar they proposed 96 with a 318-Member Legislative Assembly, and for Madhya Pradesh. the figures are 90 and 288. I think this is a very unjust dispensation and I consider that in view of the vastness of the area and the large proportion of people inhabiting that part of the country now known as Andhra Pradesh, full justice should be done and the strength that has more or less unanimously been requested by Andhra Pradesh through its Legislative Assembly should be granted. When U.P. asked for 108 seats, it has been granted; when Bombay asked for 108 seats, it has been granted. Why should not the request of Andhra Pradesh also be considered on the same level?

Therefore, I think, if it is not too late, to do it now, and if it is too late now, at least by an amending Bill, the moderate and modest request of the Andhras may be acceded to.

Shri Venkatasubbiah: There is an amendment to that effect.

Mr. Deputy-Speaker: He is afraid that that might not be accepted.

Shri B. S. Murthy: I think the request by the Andhra Assembly may be conceded with grace.

Shri A. K. Sen: Mr. Deputy-Speaker, Sir, with regard to the necessity for setting up a Council for Andhra Pradesh, I have already made my submission and I do not want to repeat myself. The reasons have been explained by me in fairly great detail and I do not want to take the time of the House any further in dwelling on them over again. As I had already said, it is because of the reorganisation of the State combined with the fact that that part of Madras already enjoyed an Upper House we thought it necessary to continue that privilege enjoyed by that part of Madras now known as Andhra with added territories

With regard to the request made by Shri Ranga and other hon. Members for increasing the representation from 90 to 96, as I had already stated today and yesterday, we do not think it necessary or desirable to increase the representation up to the maximum limit of one-third of the local Legislative Assemblies. We have increased the strength in order to give effective representation in the Upper House consistent with the increase in the size of the Legislative Assembly. At the same time, we have not gone right up to the ceiling. It is a principle which is commendable and I do not see any flaw in it myself. We have been accused for even increasing it to 90 and there have been amendments moved today for reducing that to 45, or, in other words, we should make the composition of the Upper House a farce; that is to present a true picture of the Upper House by giving it effective representation consistent with the size of the State Legislative Assembly. For these reasons, I oppose all the amendments and I submit that the clause, as it is, should be passed.

Shri Venkatasubbaiah: We wanted it only in relation to other States; other

States have been given so much representation.

Mr. Deputy-Speaker: He is not prepared to agree to that. Is there any particular amendment that I am required to put separately?

Shri Nagi Reddy: We want the amendments in the name of Shri Venkateshwara Rao to be put separately; and, so far as my amendments are concerned, I will take the chance in opposing the whole clause

Mr. Deputy-Speaker: What are the numbers of those amendments?

Shri Nagi Reddy: They are 19, 20, 21 and 22

Shri Braj Raj Singh: We want also 113 to be put separately

Mr. Deputy-Speaker: Now, I will put amendments 19, 20, 21 and 22

The question is:

Page 1, line 16—

for "90" *substitute* "45"

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 1, line 19—

for "31, 8 and 8" *substitute* "16, 4 and 4".

The motion was negatived

Mr. Deputy-Speaker: The question is.

Page 2, line 4—

for "31" *substitute* "16"

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 2, line 7—

for "12" *substitute* "5".

The motion was negatived

Mr. Deputy-Speaker: I will not put amendment No. 113. The question is:

Page 2—

omit lines 5 to 7

The motion was negatived

Mr. Deputy-Speaker: Now, I will put all the other amendments that have been moved. The question is:

Page 1—

omit lines 11 to 15.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, lines 12 and 13—

omit "a Legislative Council for the State of Andhra Pradesh"

The motion was negatived

Mr. Deputy-Speaker: The question is·

Page 1, line 15—

omit "Andhra Pradesh"

The motion was negatived

Mr. Deputy-Speaker: The question is·

Page 1, line 16—

for "90" *substitute* "78"

The motion was negatived

Mr. Deputy-Speaker: The question is

Page 1, line 16—

for "90 *substitute* "41".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 1 and 2—

omit lines 16 to 19 and 1 to 7, respectively.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 9 and 10—

for "after consultation with the Election Commission, shall by order" *substitute*—"shall ask the Election Commission to"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 13 and 14—

omit "under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 19 and 20—

omit "and of the Representation of the People Act, 1950, and the Representation of the People Act, 1951".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, line 16—

for "90" *substitute* "96".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, line 19—

for "31" *substitute* "34".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 4—

for "31" *substitute* "34"

The motion was negatived.

Mr. Deputy-Speaker: Now, the question is:

> "That clause 3 stand part of the Bill".

Those in favour please say, 'Aye'.

Several Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will please say, 'No'.

Some Hon. Members: 'No'.

Mr. Deputy-Speaker: I think the 'Ayes' have it.

Shri Nagi Reddy: The 'Noes' have it:

Mr. Deputy-Speaker: I will have the lobbies cleared.

The Lok Sabha divided: Ayes: 137; Noes: 40.

Division No. 33] **[15.26 hrs.**

AYES

Abdul Lateef, Shri
Achar, Shri
Ambalam, Shri Subbiah.
Arumugham, Shri R. S.
Arumugham, Shri S R
Ashanna, Shri
Balakrishnan, Shri
Balmiki, Shri
Bangshi Thakur, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhakt Darshan, Shri
Bhargava, Pandit M. B
Bhogji Bhai, Shri
Bidari, Shri
Birbal Singh, Shri
Birendra Singhji, Shri
Borooah, Shri P. C
Bose, Shri P. C.
Brahm Perkash, Ch.
Chandra Shanker, Shri
Chaturvedi, Shri
Chuni Lal, Shri
Daljit Singh, Shri
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Shree Narayan
Desai, Shri Morarji
Dindod, Shri
Dinesh Singh, Shri
Dube, Shri Mulchand
Eacharan, Shri I.
Gaekwad, Shri Fatesinghrao

Ganapathy, Shri
Gandhi, Shri M. M.
Ghosh, Shri M. K.
Gounder, Shri K. P.
Hem Raja, Shri.
Jain, Shri M. C.
Jaipal Singh, Shri
Jangde, Shri
Jena, Shri K. C.
Jhunjhunwala, Shri
Jyotishi, Pandit J. P.
Keshava, Shri
Khimji, Shri
Khuda Buksh, Shri M
Khwaja, Shri Jamal
Kistaiya, Shri
Krishana Rao, Shri M. V.
Lachhi Ram, Shri
Lal, Shri R. S.
Laskar, Shri N. C.
Laxmi Bai, Shrimati
Maiti, Shri N B.
Malliah, Shri U. S.
Malviya, Shri Motilal
Mandal, Dr. Pashupati
Maniyangadan, Shri
Mathur, Shri Harish Chandra
athur, Shri M D.
Mishra, Shri B. D.
Mishra, Shri Bibhuti
Mishra, Shri L N
Mishra, Shri R D.
Mishra, Shri R. R.
Morarka, Shri
Murmu, Shri Paika
Murthy, Shri B. S.
Naidu, Shri Govindarajalu
Nair, Shri Kuttikrishnan
Naldurgker, Shri
Nallakoya, Shri
Nanjappa, Shri
Nathawani, Shri
Nehru, Shri Jawahrlal
Nehru, Shrimati Uma
Onkar Lal, Shri
Padalu, Shri K. V.
Padam Dev, Shri
Pandey, Shri K. N.
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri N N.
Patel, Shri Rajeshwar
Pillai, Shri Thanu
Pocker Sahib, Shri
Prabhakar, Shri Naval
Radhamohan Singh, Shri
Radha Raman, Shri
Rajiah, Shri
Raman, Shri C. R. Pattabhi
Ramananda Tirtha, Swami
Ramaswami, Shri S. V.
Rampure, Shri M.
Ram Subhag Singh, Dr
Rane, Shri
Rangarao, Shri
Rao, Shri Jaganatha
Ray, Shrimati Renuka
Reddy, Shri Bali
Reddy, Shri Narapa
Reddy, Shri Rami
Roy, Shri Bishwanath
Rungsung Suisa, Shri
Sadhu Ram, Shri
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Sanganna, Shri
Satyanarayana, Shri
Sen, Shri A. K.
Shankaraiya, Shri
Shivananjappa, Shri
Singh, Shri Babunath
Singh, Shri D. N.
Singh, Shri T. N.
Sinha, Shri K. P.
Sinha, Shri Satyendra Narayan
Snatak, Shri Nardeo
Subbarayan, Dr. P.
Subramanyam, Shri T.
Tahir, Shri Mohammed
Tewari, Shri Dwarikanath.
Thimmaiah, Shri
Thomas, Shri A. M
Tiwari, Shri Babu Lal
Tiwari, Shri R S
Tiwary, Pandit D N
Tula Ram, Shri.
Umrao Singh, Shri
Upadhyaya, Shri Shiv Da
Venkatasubbaiah, Shri
Vishwanath Prasad, Shr
Vyas, Shri R. C.
Vyas, Shri Radhelal

NOES

wasthi, Shri
Banerjee, Shri Pramathanath
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chakravartty, Shrimati Renu
Chandramani Kalo, Shri
Chaudhuri, Shri T. K
Chavan, Shri D. R.
Dige, Shri
Elias, Shri M
Gaikwad, Shri B. K
Ghosal, Shri
Ghose, Shri S.
Gupta, Shri Sadhan
Imam, Shri Mohamed
Iyer, Shri Easwara
Jadhav, Shri
Kodiyan, Shri
Kumbhar, Shri
Kunhan, Shri
Majhi, Shri R C.
Menon, Dr K. B.
Menon, Shri Narayanankutty
Mukerjee, Shri H. N
Mullick, Shri B C
Parulekar, Shri
Parvathi Krishanan, Shrimati
Patil, Shri Nana
Raju, Sh V
Ramam, Shri
Rao, Shri D. V
Reddy, Shri Nagi
Sharma, Shri H C
Singh, Shri Rajendra
Shiv Raj, Shri
Soren, Shri
Sugandhi, Shri
Tangamani, Shri
Valvi, Shri
Warior, Shri

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.— (*Increase in the strength of the Bihar Legislative Council*)

Mr. Deputy-Speaker: We shall now take up clause 4. What are the amendments that hon. Members would like to move to this clause?

Shri T. K. Chaudhuri: I would like to move my amendment No. 111.

Pandit D. N. Tiwary: Nos. 7, 8 and 9.

Shri T. K. Chaudhuri: I beg to move:

Pages 2 and 3—

for clause 4, *substitute*—

"4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maxiumum number permissible under article 171(1) of the Constitution.

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be one-third shall be elected by electorates, consisting of members of local bodies, such as municipalities, district boards, cantonment boards, city and town committees, notified area committees, town area committees, village panchayats, mandal panchayats or anchal panchayats and such other local authorities as Parliament may by law specify;

(b) as nearly as may be, one-sixth shall be elected by electorates consisting of persons residing in the State for three years who are members of Registered Trade-Unions operating within the State;

(c) as nearly as may be one-twelfth shall be elected by electorates consisting of the members of all registered Chambers of Commerce and other trade-bodies representing various industrial and trading interests operating in the State and functioning at least for five years at a stretch before their names can be registered for purposes of preparation of electoral rolls under this Act;

(d) as nearly as may be one-sixth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions including technological institutions recognised by the State and located within the State as may be prescribed by or under any law made by the Parliament; and

(e) as nearly as may be, three-twelfths shall be elected by members of all rural primary co-operated societies within the State.

(3) The members to be elected under sub-clauses (a), (b), (c), (d) and (e) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament under the system of proportional representation by means of single transferable vote."

Mr. Deputy-Speaker, Sir, if you look to all the amendments that I moved to clause 3 and the amendment that I have tabled to clause 4 and the rest, as a matter of fact, my amendment No. 111 to clause 4 seeks to replace all the clauses from 4 to 11.

The long and short of it is that as we are dealing here with the composition of Legislative Councils in the States, I think it is the proper time and occasion when the whole question of the basic principle of the composition of the Legislative Councils in the States should be considered *de novo*.

I was slightly encouraged to hear a little while ago the hon. Minister expressing his sympathy for the principle of functional representation. If we are to have second chambers in the States, I think the only principle on which they could be justified is the principle of functional representation. One of the countries with which we

[Shri T. K. Chaudhuri]

are very friendly, and also a socialist country, namely, Yugoslavia, has a second chamber more or less on this principle. But, as we are now only aiming at a socialist pattern of society and we are not yet a socialist society, we have to accept the social structure as it is and, therefore, the functional representation proposed by me seeks to give representation, apart from the local bodies or local authorities, also to members of registered trade unions operating in each State, which means I seek that one section of these Councils should represent the working class.

Pandit D. N. Tiwary: Sir, I rise on a point of order.

Mr. Deputy-Speaker: I am also thinking about that.

Pandit D. N. Tiwary: We are discussing clause 4 which deals with Bihar. I do not know what my hon. friend is speaking about.

Mr. Deputy-Speaker: I was also thinking over it, whether this amendment can be admissible at all. The hon. Member now wants to replace all the methods that we have got of constituting these Councils. His objective is not simply to increase or decrease the membership of the Council of Bihar which is mentioned in this clause 4, though there are other provisions also laid down which relate to Councils in general. The hon. Member's amendment is to substitute clause 4 wherein he says:

> "4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maximum number permissible under article 171(1) of the Constitution."

Shri T. K. Chaudhuri: That includes Bihar also.

Mr. Deputy-Speaker: Yes, I know that. Then he says:

> "(2) Of the total number of members of the Legislative Council of a State—
>
> (a) as nearly as may be, one-third shall be elected by electorates consisting of members of local bodies........"

Shri T. K. Chaudhuri: May I make a submission? That is why I prefaced my speech by drawing the attention of the House to the whole scheme of amendment that I have in view.

Mr. Deputy-Speaker: But the difficulty is that there will be conflict with the articles of the Constitution.

Shri T. K. Chaudhuri: No, Sir. Yesterday......

Shri Jaipal Singh: I do not know, Sir, how it fits in to this particular clause.

Shri T. K. Chaudhuri: It fits in.

Mr. Deputy-Speaker: Let him explain, and then we will see.

Shri T. K. Chaudhuri: Yesterday we had a ruling from the Chair that this Parliament is quite competent to go into the question of the composition of the Legislative Councils given in this Bill. It was my contention yesterday that it militates against the provisions of the Constitution, but the Chair was pleased to rule that the composition can be discussed, and my point of order was ruled out. As a matter of fact, I do not want only to replace clause 4 or substitute clause 4.

Mr. Deputy-Speaker: When we are considering clause 4 which relates to the constitution or increase in the number of the membership in the Legislative Council of Bihar, how can we bring the whole question of how Legislative Councils shall be constituted and what their composition should be?

Shri T. K. Chaudhuri: In that matter, Sir, I am helpless. I had given notice of my amendment, if you call for the original paper in which I submitted the notice you will find that therein I have said that this clause which I have proposed in this amendment was to substitute all the clauses from 4 to 11. As a matter of fact, my scheme is sort of changing the scheme of the whole Bill altogether.

And, in my defence I have the ruling from the Chair given yesterday, that the composition can be discussed and it is within the scope of this amendment. If we accept the ruling of the Chair given yesterday, my amendment is fully within the scope of the Bill that we have taken into consideration.

Mr. Deputy-Speaker: I have read that ruling. The observations of the Chairman were:

> "My view is that when the Constitution has given authority under article 169 to create a new legislative council for any State or abolish any legislative council of any State where it is existing, it automatically implies that this article authorises Parliament, without any amendment of the Constitution, to make alterations in the composition also."

Is that what the hon. Member is referring to?

Shri T. K. Chaudhuri: Yes, Sir.

Mr. Deputy-Speaker: But, whether that composition that is referred to implies the increase or decrease in number or the whole method that is to be adopted is the question.

Shri T. K. Chaudhuri: No, Sir, that is what I wanted to point out yesterday. As a matter of fact, if you look to the Third Schedule on page 11 you will find that in regard to Andhra Pradesh, Madhya Pradesh and Mysore representation has been given not only to Municipalities, District Boards, Cantonment Boards, City and Town committees as under the scheme already in existence in the Constitution. But Class I Panchayats and Class II Panchayats have been brought in under Andhra Pradesh. With regard to Madhya Pradesh Janapada Sabhas, Mandal Panchayats and such other bodies have been sought to be given representation. In these cases the composition of the Legislative Councils, that is the representation sought to be given to different sections or classes of the people, is sought to be altered and likewise, if we accept the ruling of the Chair, I am perfectly within rights in moving my amendment.

Mr. Deputy-Speaker: I do not know what the Chairman had in mind then. This article 169, when it says that this shall not be considered as an amendment of the Constitution, in my opinion, only means that when a Council is abolished or created, no amendment of the Constitution is necessary. That, perhaps, was meant; but the hon. Member might advance his arguments.

Shri T. K. Chaudhuri: The ruling also refers to the composition.

Mr. Deputy-Speaker: I have read it. If the hon. Member might give his grounds for his acceptance of his amendment, I will then consider the other point.

Shri T. K. Chaudhuri: All right. As we have a mixed economy here, under my scheme, I have proposed that—

Mr. Deputy-Speaker: But the other conditions still remain, even if the ruling given by the Chairman—certainly that must be respected as correct—and the idea given by the hon. Member be correct, and then, these amendments now will not fit in with the clause that we have under discussion, because, this clause relates only to the Constitution of Legislative Councils and increase in the number of the Bihar Council.

Shri T. K. Chaudhuri: I am a little bit helpless there. In my original copy of the amendment which I submitted to the Notice Office, I had specifically written down that this clause—the group of clauses 4 to 11—should be deleted and be substituted by a new clause. But, unfortunately for me, I find that the Secretariat has put it under clause 4.

Mr. Deputy-Speaker: He could have moved a separate clause altogether for the insertion of a new clause.

Shri T. K. Chaudhuri: I said that a new clause 4 be inserted. That was what occurs in the paper that I gave to the Notice Office.

Mr. Deputy-Speaker: I will look into that. But, let clause 4 be discussed first and even if there is an amendment for the insertion of a new clause, we will take it up afterwards.

Shri T. K. Chaudhuri: So, I shall stop now.

Shri Jaipal Singh: Mr. Deputy-Speaker, Let me confess at the outset, that I am totally opposed to all the subterfuges we resort to by way of indirect elections and the like. But the attitude I have always taken, as in other matters, is this; such as, for instance, in regard to reserved seats for Scheduled Tribes or the Scheduled Castes or even the nominations of Anglo-Indians and nominations of specialists to the Rajya Sabha and the like. So long as some *people get it, others must get it. So,* taking that stand, I find that Bihar must also have a Legislative Council.

I would like to make my position very clear: that, while I am totally opposed to indirect elections as such, if other parts of the country enjoy a certain benefit, *my own* State also must not be deprived of that benefit. The State of Bihar, such as it is now —I hope it will take some other shapes hereafter, but shaped as it is at present—has a special right to a special consideration. It is not merely a State. It is a very extraordinary State. North Bihar and South Bihar are poles apart as it were, and yet, today, it is one State. South Bihar is a remarkable area. It has one of the largest concentrations of the most ancient people in this country.

The particular amendment that I wish to support is the one moved by Shri Jhulan Sinha where he has pleaded that the figure for the Legislative Council for the present State of Bihar be increased from 96 to 106. The whole spirit of the Constitution has been to enable people who are under-privileged, who are, to use a very common phrase, 'backward' to make their voice felt and so that they may be enabled to voice their feelings and views in the forums of the legislatures. The increase from 96 to 106 may not be very great, but every little counts, and that is why I do plead that we are not as forward as some of the other States like, say, Bombay, or, for the matter of that, Andhra, are. Indeed, the whole of South India is very prominent in North India; we are far from prominent. I would have liked the hon. Law Minister to be here, and I do hope the officiating Minister there will convey our very serious concern in this particular matter.

We do not pretend to be as advanced as others are. We have not the wherewithal, and it is exactly for that reason that I think we should have the might and majesty of numbers in the legislature. The increase from 96 to 106 is in no way going to affect the exchequer either of the Centre or of the States in a very vital way, but it is certainly going to be a very serious matter if, in South Bihar, which is predominantly a tribal area, whether we like it or not, we can play the *fool* with the census figures. But the human beings are there. Even if two or three more can be given from those hill tracts, it will be to the advantage of this country. I need not say anything more.

The other amendments are consequential to it. But I do plead with my hon. friend the Minister of Law who has just come, that he should have a little mercy on his neighbours. Time was when the parts for which I am pleading was part of his own province of Bengal. It has now become West Bengal and Bihar has become something else. He will agree with me that the more we have of the minorities—and this is exactly what the actual result or the consequential effect of this amendment which increases the number from 96 to 106 will be—in a State like Bihar, the more will be the number of people that will be coming to the upper House than would be possible otherwise.

Pandit D. N. Tiwary: After the speech of Shri Jaipal Singh, I have nothing more to add. But I would suggest one thing. Instead of 106, it should be a little less, because the numbers could be divisible by three. You have one-third number to be balloted out every two years, and therefore, the number should be such that one-third could be balloted out. If it is 106, it is not divisible by three.

Dr. Ram Subhag Singh (Sasaram): It may be 105.

Shri Jaipal Singh: It may be 105.

Pandit D. N. Tiwary: It may be 105.

An Hon Member: 108.

Pandit D. N. Tiwary: That will be more than one-third. It must not be more than one-third. So, my suggestion is, make it 102 or 105, so that it could be divisible by three.

I would also suggest that instead of 84, it should be 36 in sub-clause (a) for election by Legislative Assemblies, and it should be 9 and 9 for election by graduates' constituency and teachers' constituency. As it is, you will see that it is given as 8 and 8. It is also not divisible by three. When we have to ballot for removal of one-third strength, it would be feasible to have a number which could be divisible by three. So, even at this stage, I would suggest to the Law Minister that he may bring an amendment to this effect or he may accept amendment, with your permission, so that the number would be 36 and 36 and 9 and 9 respectively. That will give a better picture and it will be workable. Otherwise, I do not think this will be workable at all.

Shri P. B. Patel (Mehsana): I beg to move:

(i) Page 2, line 22—

after "96" *insert* "and shall be reconstituted"

(ii) Page 2, line 37—

omit "additional".

(iii) Page 3, line 1—

omit "additional".

(iv) Page 3—

omit line 3

(v) Page 3, line 9—

omit "additional"

In support of these amendments, I beg to make a short submission. The States Reorganisation Act came into force on the last day of August, 1956 and at that time, the collective wisdom of this House decided that the councils should be reconstituted. For this, I beg to refer to sections 33, 34, etc. The idea behind these sections is that after the new general elections, the councils should be reconstituted and there should be fresh elections to the councils.

I beg to draw your attention to subsection (4) of section 33. There is a proviso which says:

> "Provided that the election referred to in clause (b) of subsection (2) shall be held only after the general election to the Legislative Assembly of the new State of Madhya Pradesh has been held."

So, the intention and at the same time the decision of this House was that there should be fresh elections to the council, after the general elections. Sub-sections (4) and (5) of section 34 make the point very clear.

For Bombay, there was a temporary arrangement for the council and some members from Saurashtra, Vidharaba and Marathwada were added to it. The wording of section 34(2) is like this:

> "Until the said Council has been reconstituted in accordance with the provisions of sub-sections (4) and (5) of this section and summoned to meet for the first time, the said Council shall consist of—

(a) all the sitting members of the Legislative Council of the existing State of Bombay, except those representing the Belgaum, Bijapur and Dharwar constituencies; and

[Shri P. R. Patel]

(b) 25 members to represent the territories specified in clauses (b), (c), (d) and (e) of sub-section (1) of section 8 who shall be chosen in such manner as may be prescribed."

That was a temporary arrangement. Sub-sections (4) and (5) speak of the reconstitution of the Council. That is very clear:

> "As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order determine—

(a) the constituencies into which the said new State shall be divided for the purpose of elections to the Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency."

> "(5) As soon as may be after the appointed day, steps shall be taken to constitute the said Council in accordance with the provisions of this section and the provisions of the Representation of the People Act, 1950 and the Representation of the People Act, 1951."

It is very clear from all these sections that the House took the decision a year before that after the general elections, the Councils should be reconstituted. That was the collective wisdom of the whole House and we are questioning it. My submission is, what has happened within this one year that we are going to question that collective wisdom of this House? Only one thing, namely, the general elections. In the general elections the ruling party suffered some losses here and there. In Bombay, in the Legislative Assembly, there were only 70 on the opposition side; now there are more than 165. So, naturally, if there are fresh elections today; the opposition may gain some seats in the Council. In order to deprive the opposition of more seats in the Council, this amendment has been placed before the House.

My submission is that this is not the honest way of dealing with democracy. In democracy, if a decision is taken by the House, it is the duty of the Government to implement it. But when the question of Bombay comes, I hear arguments from the other side that that was the collective wisdom of the House. I put the question whether in this matter there was collective wisdom of the House or not? If you find there has been some fault in the collective wisdom of this House and that fault was only regarding the number of seats to be given in the Council, that is a small matter. If this House has committed some error in a small matter and if you are going to revise it, that means that the bigger error also must be revised by the House, and that is the bilingual State of Bombay. But I do not want to go into it.

My only submission is this. At the time of the general elections, a right was given to the elected members that after being elected, they shall have the right to elect the members of the Council That right was given by law and on that right, so many persons fought the elections. That right was acquired under the law. But after the elections, after so many months, this new Bill is introduced and that takes away the right that was acquired by the members of the Legislative Assemblies of different States. Would it be desirable and fair to take away the right that has been created by a new legislation? I submit that this is not the proper way.

I humbly submit that the Law Minister in charge of this may reconsider the matter. After all, for more seats in the Council for the party in power, if you play with the legislation, then there will be an end of democracy. The political party in power will be charged with sinister motives rather than fairplay. Therefore, I submit that my amendments may be accepted. They are very simple. Where there have been "additional" words, I have suggested that they should be omitted and I have asked that the Councils be reconstituted. There is nothing more in these amendments.

I want to say one more thing. In the last week of December, 1953, the Bombay Assembly passed a resolution to abolish the Council. I do not dispute with it. I am not disputing whether there should be Council or not because the States Reorganisation Act has accepted the Councils. So, I do not go into it. But, say, after 2 or 3 years, if Parliament passes an Act deciding that there should be a Council in Bombay State, then the question will come whether the collective wisdom of the Bombay Assembly was proper or whether the Bombay Assembly resolution was passed on some wrong notions. In August, 1956 we passed the States Reorganisation Act and in that Act we decided that after the general elections, the Councils should be reconstituted and there should be fresh elections to the Councils. The Law Minister comes before the House and says that whatever was done by this august House a year before should be wiped off. He says, in other words, that the persons who decided had committed blunders and so he is coming with better wisdom in advising the House to accept the Bill. This is not proper way and in the interest of democracy, I would humbly request the Law Minister to amend the whole Bill according to the intention of the States Reorganisation Act and not look to the interest of his party.

Mr. Deputy-Speaker: Amendments moved:

Page 2, line 22—

after "96" *insert* "and shall be reconstituted"

Page 2, line 37—

omit "additional",

Page 3, line 1—

omit "additional"

Page 3—

omit line 3

Page 3, line 9—

omit "additional"

Shri Chaudhuri may say what he wants to say. I have consulted the records and the debates of yesterday and I feel inclined, whatever the Chairman has ruled, to say that he may say all that he has to say. So far as his original amendment was concerned, I have seen that original amendment notice as well. Mostly it concerns the omission of certain clauses. They are not circulated because the hon. Member who gives notice for the omission of a clause can oppose that clause; there is no definite amendment needed like that.

Shri T. K. Chaudhuri: Thank you for your ruling; that at least permits me to resume the points I wanted to elaborate about the composition of the legislative councils.

I propose that one section of these legislative councils should represent—one-third to be precise—members of the local bodies of all sorts commencing from the village level. One-sixth should be representatives of the working class—that is to say, members of registered trade unions operating within the State. My third proposal is to give representation to trade bodies and chambers of commerce. I am very much opposed to them as they are constituted; yet, we are living in a mixed economy and accepted a private sector or capitalist sector of the economy and under the present system there is hardly any way out of it. So, we have to give them representation if we want to make these councils truly representative from the functional point of view. Fourthly, the teachers should be representated. They are already there. I only want to expand the scope of the provisions giving representation to teachers and technological institutions and even primary school teachers might be given

[Shri T. K. Chaudhuri]

representation. Under sub-clause (d) of my proposed new clause (4), I want to give representation to the rural population organised in primary co-operative societies. I want to do away with the principle of nomination altogether.

I was a little bit encouraged when I heard the Law Minister expressing sympathy for the principle of functional representation. That feeling evaporated however as soon as I heard his argument about it. He seems to be of the opinion that when the Constituent Assembly discussed giving functional representation in the State councils, it did not agree to do it and so there is nothing that can be done about it now. I do not agree with that argument because our Constitution-makers did not intend it to be sacrosanct for all times to come. Specific provisions are there in the Constitution for the amendment of the Constitution. As a matter of fact this House has amended the Constitution several times—seven times—on certain fundamental questions of principle of social or economic organisation. Simply because the Constituent Assembly decided this question in a certain way, it cannot be contented that we cannot reopen that question now. I believe that if the second chambers can have any utility in the States and are to serve any useful function, it is from the point of view of functional representation. It is known in political science as a guild system or a corporate system which has been put into practice. As I mentioned, in Yugoslavia, they have a second chamber on the functional principle. Of course the social organisation may be fundamentally different there. We cannot have exactly that kind of guild system but within the limits of our system and our Constitutional framework and the social system that we have. We can certainly have a system like that. It would be desirable from all points of view.

Mr. Deputy-Speaker: Amendment moved:

Pages 2 and 3—

for clause 4, *substitute*:

"4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maximum number permissible under article 171 (1) of the Constitution.

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of local bodies, such as municipalities, district boards, cantonment boards, city and town committees, notified area committees, town area committees, village panchayats, mandal panchayats or anchal panchayats and such other local authorities as Parliament may by law specify;

(b) as nearly as may be, one-sixth shall be elected by electorates consisting of persons residing in the State for three years who are members of Registered Trade-Unions operating within the State;

(c) as nearly as may be one-twelfth shall be elected by electorates consisting of the members of all registered Chambers of Commerce and other trade-bodies representing various industrial and trading interests operating in the State and functioning at least for five years at a stretch before their names can be registered for purposes of preparation of electoral rolls under this Act;

(d) as nearly as may be one-sixth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions including technological institutions recognised by the State and located within the State as may be prescribed by or under any law made by the Parliament; and

(e) as nearly as may be, three twelfths shall be elected by members.

> of all rural primary co-operative societies within the State.
>
> (3). The members to be elected under sub-clauses (a), (b), (c), (d) and (e) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament under the system of proportional representation by means of single transferable vote."

Shri Mulchand Dube (Farrukhabad): Mr. Deputy-Speaker, I beg to draw your attention to article 172(2) of our Constitution which reads as follows:

> "The Legislative Council of a State shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law."

The council is not subject to dissolution and so the States Reorganisation Act did not enact that the council should be dissolved. It cannot enact that law. Therefore, the word reconstitute used in the States Reorganisation Act does not mean that the council could be dissolved or fresh election to the council would be held. Therefore, the argument of my hon. friend who spoke just before me to revise the Constitution really means this. (*Interruptions*).

16 hrs.

Mr. Deputy-Speaker: Let him have his say.

Shri Mulchand Dube: My submission is that the Act is not subject to that interpretation as that interpretation would be incorrect. As regards the argument of my learned friend who has just spoken that the scope should be enlarged and certain parties which are not provided for under article 171 should be added, is untenable. My submission is that would mean amending of the Constitution, article 171 clause 3. That amendment is not before us. If my hon. friend wants that the Constitution should be amended to bring in a fresh list of electors the proper procedure for that would be to bring in a Bill to amend the Constitution but it would not be done in this Bill. That is all I want to say.

Mr. Deputy-Speaker: The hon. Minister.

Shri T. K. Chaudhuri: I would ask one question to explain one point.

Mr. Deputy-Speaker: He has just spoken. Nobody has spoken against his argument.

Shri T. K. Chaudhuri: It is one point only.

Mr. Deputy-Speaker: Why has he forgotten to mention that point? He has just now finished his speech.

Shri T. K. Chaudhuri: I want to know what uniformity has been sought to be achieved in the matter of representation of local bodies in different States. Different kinds of local bodies have been given representation. We have got the village panchayats at the village level. In the original Constitution the arrangement was that a certain set of local bodies were specifically mentioned in Article 171(3).

Mr. Deputy-Speaker: That is all? (*Interruptions*). He has given his own interpretation. There can be different interpretations of the same clause or the article by different hon. members. It is for the House to decide. The Hon. Minister will now reply.

Shri A. K. Sen: Mr. Deputy-Speaker Sir, I am sorry I cannot support the amendment moved to increase the strength from the proposed figure of 96 to 106 or the other figures. I have explained in my opening speech and in my reply why we struck a *via media* between the actual figure at which the strength stood at the time we undertook the measure and introduced it in this House and the limit

[Shri A. K. Sen]

of one-third fixed as ceiling under article 171. As I had explained to hon. members, this task of reconciliation was not a very easy one. We had to adjust it rather delicately. The strength of the particular legislative assembly had increased as a result of the election held in 1957. We had to give effective representation of the increased size of the legislature to the Upper House and yet we did not want to increase the strength right up to the maximum fixed under the Constitution. That means, we had to strike at a figure between one-fourth and one-third. We have really arrived at this figure of 96, which, in my opinion, is fairly reasonable, and within it would find representation of the interests which my hon. friend Shri Jaipal Singh wants to be represented, namely, the hill tribes and other backward classes. I have no doubt that they are very much in the mind of those on whom the task of electing representatives would be entrusted. There is no doubt that they will be sending their representatives after mature deliberation and thought. There are special constituencies like the assembly, the local authority, the teachers and the graduates. Of course, the nominated cadre remains the same. Shri Tiwari raised a point of order, which, really is not a point of order at all, if I may say so, with due respect to him. He says that if we cannot have one-third of 34, the figure should be raised to 36. It is well recognised that one-third means as nearly one-third as possible. Take the Upper House, the Rajya Sabha. There one-third retires every three years. They have not a round figure. In the case of companies, one-third of the directors retire. That means, as nearly one-third as possible. If the figure is 34, it is calculated as one-third of 33. That is the nearest figure to 34.

One other point was taken up which I must frankly say I am unable to follow. This point was raised by the hon. member from Gujerat, Shri Patel. Frankly speaking, I am unable to follow the point of reconstitution. In the case of reconstituted provinces, the question of reconstitution was considered by the States Reorganisation Act, and provisions were made for Constitution because territories have been taken out or added and the entire State changed its composition. But the State of Bihar exists substantially as it originally was, except for the portions affected by the States' Reorganisation Act. As pointed out by Shri Dube, the Upper Houses are not to be dissolved. They are not liable to dissolution. They continue for all time to come with the limit of one-third retiring every three years. Reconstitution was thought out, therefore, in the case of Bombay and Mysore. As I had already explained, there are two amendments from Government side in order to bring Bombay and Mysore in line with the Punjab. The hon. Members will appreciate that there has already been constituted the Interim Council in Bombay as well as in Mysore. So far as the Punjab is concerned, we had provided for reconstitution and so far as Bombay and Mysore were concerned, we thought of the possibility of reconstituting them all over again. But it now appears that it would be better to have it instead of having a new election altogether. But we shall deal with this when we come to the next clause.

So far as Bihar is concerned, I fail to understand any kind of reconstitution at all. I don't know how the question of States Reorganisation Act is pertinent to the point at issue. But I think the hon. Member is so engrossed with the problem of Bombay that he thinks that it has to be reflected in Bihar as well. It has no relation with the Bihar State. The clause should be passed as it is.

Mr. Deputy-Speaker: Shri Tiwary is not here. When I asked for amendments to be moved, he stood up and spoke but I find the amendment stands in the name of Shri Jhulan Sinha

Hon. Members should not speak on amendments where notice has been given by other hon. members. If he wanted an opportunity to speak, he would have told me so, and not pick up amendments from other hon. Members. I think hon. Members should be careful to see that they give the number of amendments which stand in their own name and not in the name of others. Now, I want to know whether Shri T. K. Chaudhuri presses his amendment.

Shri T. K. Chaudhuri: I want to press it.

Mr. Deputy-Speaker: I shall put amendment No. 111 to the vote of the House. The question is:

'Pages 2 and 3—

for clause 4, *substitute*—

"4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maximum number permissible under article 171(1) of the Constitution.

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of local bodies, such as municipalities, district boards, cantonment boards, city and town committees, notified area committees, town area committees, village panchayats, mandal panchayats or anchal panchayats and such other local authorities as Parliament may by law specify;

(b) as nearly as may be, one-sixth shall be elected by electorates consisting of persons residing in the State for three years who are members of Registered Trade Unions operating within the State;

(c) as nearly as may be one-twelfth shall be elected by electorates consisting of the members of all registered Chambers of Commerce and other trade-bodies representing various industrial and trading interests operating in the State and functioning at least for five years at a stretch before their names can be registered for purposes of preparation of electoral rolls under this Act;

(d) as nearly as may be one-sixth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions including technological institutions recognised by the State and located within the State as may be prescribed by or under any law made by the Parliament; and

(e) as nearly as may be three-twelfth shall be elected by members of all rural primary co-operative societies within the State.

(3) The members to be elected under sub-clauses (a), (b), (c), (d), and (e) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament under the system of proportional representation by means of single transferable vote.",

The motion was negatived.

Mr. Deputy-Speaker: I shall now put amendment Nos. 50, 51, 52, 53 and 54 to vote. The question is.

Page 2, line 22—

after "96" *insert* "and shall be reconstituted".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 37—

omit "additional".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 1—

omit "additional".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

omit line 3.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 9—

omit "additional".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(*Increase in the strength of the Bombay Legislative Council*).

Mr. Deputy-Speaker: There is a Government amendment No. 132.

Shri Naushir Bharucha: On a point of order, we have not given even one day's notice; this was circulated this morning. Practically the whole Bill has been recast by this amendment. About ten foolscap sheets of amendments typed in single spacing were circulated this morning.

Mr. Deputy-Speaker: The ordinary procedure that we have been following is that we accept amendments even from private Members at the last stage if they are acceptable to Government. This is an amendment which has been moved by Government itself.

Shri Naushir Bharucha: A ten-page amendment? One can understand two lines or three lines. It is too difficult to swallow this at one stroke.

Shri A. K. Sen: Not for Mr. Bharucha.

Mr. Deputy-Speaker: The question arose before the Speaker as well. Also that has been our procedure. I think hon. Members should reconcile themselves to this now.

Shri Naushir Bharucha: It is better that Government were warned about it. It is not fair to hon. Members.

Mr. Deputy-Speaker: I entirely agree with the hon. Member and I shall ask Government that they shall be careful and try to give notice in advance.

Shri A. K. Sen: I beg to move:

Page 3—

for clause 5, *substitute*:—

"5. *Increase in the strength of the Bombay Legislative Council.*—(1) The total number of seats in the Legislative Council of Bombay shall be increased to 108 and of those seats—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (b), (b) and (c) of clause (3) of article 171 shall be 36, 9 and 9, respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Bombay in accordance with the provisions of sub-clause (d) of the said clause shall be 42; and

(c) the number to be filled by persons nominated by the Governor of Bombay in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Bombay) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Second Schedule, and in the said Order as so modified, any reference to the State of Bombay shall be construed as a reference to that State as formed by section 8 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act—

(a) every sitting member of the said Council representing immediately before such commencement any council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:

TABLE

1	2
Bombay City (Graduates)	Greater Bombay (Graduates)
Ahmedabad City (Graduates) . . .	Gujarat (Graduates)
Northern Division (Graduates) . . .	
Poona City (Graduates)	Maharashtra (Graduates)
Southern Division (Graduates) . . .	
Bombay City (Teachers)	Greater Bombay-*cum*-Maharashtra (Teachers)
Poona City (Teachers)	
Central Division (Teachers)	
Southern Division (Teachers) . . .	
Ahmedabad City (Teachers) . . .	Gujarat (Teachers)
Northern Division (Teachers). . .	
Bombay City (Local Authorities) . . .	Greater Bombay-*cum*-Maharashtra West (Local Authorities)
Ahmedabad City (Local Authorities) . .	Gujarat North (Local Authorities)
Ahmedabad District (Local Authorities) . .	
Mehsana-*cum*-Banas Kantha (Local Authorities)	
Baroda-*cum*-Amreli (Local Authorities) . .	Gujarat South (Local Authorities)
Broach-*cum*-Panch Mahals (Local Authorities) .	
Kaira (Local Authorities)	
Surat (Local Authorities)	
East Khandesh (Local Authorities) . .	Maharashtra North (Local Authorities)
Nasik (Local Authorities)	
Ahmednagar-*cum*-West Khandesh (Local Authorities)	
Poona City (Local Authorities) . . .	Maharashtra South (Local Authorities)
Poona (Local Authorities)	
Sholapur (Local Authorities) . . .	
North Satara (Local Authorities) . .	
Kolaba-*cum*-Thana (Local Authorities) . .	Maharashtra West (Local Authorities)
Ratnagiri-*cum*-Kanara (Local Authorities)	
Kolhapur-*cum*-South Satara (Local Authorities)	

[Shri A. K. Sen]

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Bombay and every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Bombay.

(4) As soon as may after such commencement, elections shall be held to fill such of the seats allotted to the several Council Constituencies by the Delimitation of Council Constituencies (Bombay) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.

(5) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Bombay was first constituted.

(6) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 24th April, 1958, and on the expiration of every second year thereafter, the Governor of Bombay shall, after consultation with the election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, and of the members to be elected under sub-section (4) of this section.

(7) Section 34 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed be always to have been amended, as follows:—

(a) in sub-section (2), for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (4) and (5) of this section and summoned to meet for the first time' the words 'Until otherwise provided by law' shall be substituted;

(b) sub-sections (3), (4) and (5) shall be omitted.

(8) In this section, the expression 'the former State of Bombay' means the State of Bombay as it existed immediately before the 1st day of November, 1956.

Mr. Deputy-Speaker: The Government's amendment is before the House? Any other amendments that are going to be moved?

Shri Nathwani: I have tabled an amendment No. 154, the notice of which was not given in time. It is time-barred, unless Government is prepared to accept it. I do not know how far it is acceptable to the hon. Minister. I think at least the principle will be acceptable.

Mr. Deputy-Speaker: It is not for the hon. Member to say on behalf of Government.

Shri A. K. Sen: The principle deserves consideration. May I request you in view of the objections taken?

Mr. Deputy-Speaker: Is the hon. Minister going to accept it.

Shri A. K. Sen: Not as it is. I have to examine it. I would request you to take the vote on this clause tomorrow, so that I may consider Mr. Nathwani's amendment. The principle appeals to me and I shall explain to you why, if necessary.

Mr. Deputy-Speaker: Clause 5 is held over for tomorrow.

There are no amendments to clause 6. I shall put it to vote.

The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—(*Increase in the strength of the Mysore Legislative Council*).

Shri A. K. Sen: I beg to move:

Page 5—

for clause 8 *substitute*:

"8. *Increase in the strength of the Mysore Legislative Council.*—(1) The total number of seats in the Legislative Council of Mysore shall be increased to 63 and of those seats—

(a) the number to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 21, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Mysore in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and

(c) the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Mysore) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fourth Schedule, and in the said Order as so modified, a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement a council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Mysore (Graduates) constitutency	Mysore South (Graduates) constituency.
Mysore (Teachers) constituency	Mysore South (Teachers) constituency.
Kolar (Local Authorities) constituency	Mysore South East (Local Authorities) constituency.
Tumkur (Local Authorities) constituency	
Bangalore (Local Authorities) constituency	
Hassan (Local Authorities) constituency	Mysore South (Local Authorities) constituency.
Mandya (Local Authorities) constituency	
Mysore (Local Authorities) constituency	
Chickmagalur (Local Authorities) constituency	Mysore South West (Local Authorities) constituency.
Shimoga (Local Authorities) constituency	
Chitaldrug-*cum*-Bellary (Local Authorities) constituency.	

[Shri A. K. Sen]

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore, every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and the sitting member of the said Council specified by the Chairman of the Legislative Council of Madras under sub-rule (7) of rule 4 of the States Reorganisation (Election to Provisional State Legislatures) Rules, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Mysore; and

(c) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.

(4) The three members who, immediately before the 1st November, 1956, were members of the Legislative Council of Bombay and became on that date members of the Legislative Council of Mysore by virtue of sub-rule (7) of rule 4 of the States Reorganisation (Election to Provisional State Legislatures) Rules, 1956, shall be deemed to have been elected to the Legislative Council of Mysore by the Mysore North West (Local Authorities) constituency.

(5) As soon as may be after the commencement of this Act, elections shall be held to fill such of the seats allotted, to the several council constituencies by the Delimitation of Council Constituencies (Mysore) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had become vacant.

(6) As soon as may be after such commencement, the vacancies in the seats allotted under clause (c) of sub-section (1) shall be filled by nomination by the Governor.

(7) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Mysore was first constituted.

(8) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958 and on the expiration of every second year thereafter, the Governor of Mysore, shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and of the members to be elected and nominated under sub-sections (5) and (6) of this section.

(9) Section 36 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2) for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time,' the words 'Until otherwise provided by law', shall be substituted; and

(b) sub-sections (3) and (4) shall be omitted.

(10) In this section, the expression 'the former State of Mysore' means the State of Mysore as it existed immediately before the 1st day of November, 1956."

The amendment may look long, but the substance is very simple. Under the States Reorganisation Act a constituted Legislative Assembly, as also an interim Legislative Council was recommended for the State of Mysore, like the State of Bombay. It was contemplated that first of all immediately after the new territories were constituted there would be an interim Council constituted, and thereafter after necessary legislation by Parliament, a new Legislative Council should be constituted altogether. The original strength of the Mysore Legislative Council was 52. To that was added 12........

Shri Mohamed Imam: It was forty *plus* twelve.

Shri A. K. Sen: The new strength was 52. The original strength was 40; to that was added 12 for the new territories added to Mysore. It was also provided by the States Reorganisation Act (the relevant section is printed in the Bill, it is at the end) that there would be reconstitution all over again even after the addtition of 12 representatives from the new territories. It was really superfluous to have an election all over again by dissolving the newly constituted Council which had already been functioning with the new added territories and the new additional 12 representatives. We thought it desirable that we should accept that interim constitution as the final reconstitution and the amendment seeks to give effect to that.

In fact, I may mention that all the Members of Parliament from Mysore who have seen me in connection with this are agreeable to this amendment. I do not know about hon. Members of the opposition, but if the increase is granted under the Bill, as proposed by us, then it will be certainly superfluous to have the entire Council constituted all over again, probably having the same composition. It will mean additional expense and trouble without resulting in any corresponding benefit to any one. The new constitution was made necessary because of the added territories and 12 additional representatives came from those added territories. That Council has been functioning; there is no sense in dissolving it and having the entire Council elected all over again involving expenses and trouble. Nobody has ever suggested that there could be any better Council by dissolving it or that the Council has not been discharging its functions properly. Therefore, Government thought it fit to accept the proposals which came from many representatives of Mysore in this House and I commend this amendment and request that it may be accepted.

Shri Mohamed Imam: I have tabled an amendment to this amendment, No. 144.

Shri Achar: I have got my amendment No. 26.

Shri Shankaraiya (Mysore): I have got amendments No. 82 and 83.

I beg to move:

(i) Page 5, line 12—

for "63" *substitute* "60".

(ii) Page 5, line 15—

for "63" *substitute* "69".

Shri Mohamed Imam: I beg to move:

That in the amendment proposed by Shri Asoke K. Sen printed as No. 133 in List of amendments—

omit sub-clauses 3 and 4.

Shri Achar (Mangalore): I beg to move:

Page 5—

for clause 8, *substitute:*

"8. (1) The total number of seats in the Legislative Council of Mysore shall be increased to 69 and to those seats—

(a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 23, 6 and 6 respectively.

(b) the number to be filled by persons elected by the members of

[Shri Achar]

the Legislative Assembly of Mysore in accordance with the provisions of sub-clause (d) of the said clause shall be 23; and

(c) the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of Sub-clause (e) of that clause shall be 11.

(2). As from the commencement of this Act the Delimitation of Council Constituencies (Mysore) Order, 1951, shall until other provision is made by law, have effect subject to the modification directed by the Second (A) schedule and in the said order as modified, a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956.

(3). As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement any Local Authorities constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the Local Authorities constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Kolar (Local Authority) Bangalore (Local Authority)	Bangalore *cum* Kolar (Local Authorities).
Tumkur (Local Authority) Hassan (Local Authority).	Tumkur *cum* Hassan (Local Authorities)
Mandya (Local Authority) Mysore (Local Authority).	Mysore *cum* Mandya (Local Authorities).
Chickmagalur (Local Authority) Shimoga (Local Authority)	Chickmagalur *cum* Shimoga (Local Authorities).
Chital-droog *cum* Bellary (Local Authority). .	Chital-droog *cum* Bellary (Local Authorities).
Bijapur (Local Authority) Belgaum (Local Authority)	Bijapur *cum* Belgaum (Local Authorities)
Dharwar (Local Authority)	Dharwar *cum* North Kanara (Local Authorities)

(b) every sitting member of the said Council representing immediately before such commencement the graduates constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the graduates constituency specified against that constituency in column 2 of the said Table;

TABLE

1	2
Mysore (Graduates) . .	Mysore I (Graduates) ;

(c) every sitting member of the said Council representing immediately before such commencement the teachers' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the teachers' constituency specified against that constituency in column 2 of the said Table;

TABLE

1	2
Mysore (Teachers)	Mysore (Teachers) ;

(d) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore and every sitting member of the said Council chosen in the manner prescribed as provided under section 36(2) (b) of the States Reorganisation Act shall be deemed to have been duly elected by the members of the Legislative Assembly of the present state of Mysore; and

(e) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore and the sitting member chosen as prescribed under section 36(2) (b) of the States Reorganisation Act shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.

(4). As soon as may be after such commencement, elections shall be held to fill:—

(a) such of the seats allotted to the several Council constituencies by the Delimitation of Council Constituencies (Mysore) Order 1951 as modified by this Act, and remaining unfilled by the foregoing provisions of this section; and

(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (i) as if those seats had become vacant.

(5). As soon as may be after such commencement the Governor of the State may fill by nomination the additional seats allotted under clause (c) of sub-section (i) and remaining unfilled by the foregoing provisions of this section.

(6). The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former state of Mysore was first constituted.

(7). In order that as nearly as may be one-third of the members of the said Council may retire on the 26th April, 1958 and on the expiration of every second year thereafter the Governor of Mysore after consultation with the Election Commission make by order such provisions as he thinks fit in regard to the terms of office of the sitting-members chosen as prescribed under clause (b) of sub-section (2) of section 36 of the States Reorganisation Act 1956, and of the members to be elected and nominated under sub-sections (4) and (5) of this section.

(8). Section 36 of the States Reorganisation Act, 1956 shall be amended, and shall be deemed always to have been amended as follows:—

(a) in sub-section (2) for the words brackets and figures 'until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time', the words 'Until otherwise provided by law' shall be substituted; and

(b) sub-sections (3) and (4) shall be omitted.

[Shri Achar]

(9). In this section the expression 'the former state of Mysore the State of Mysore as it existed immediately before the 1st day of November, 1956."

Mr. Deputy-Speaker: All these amendments to clause 8 are before the House. Shri Achar may now continue his speech.

Shri Achar: Government has accepted the principle underlying my amendment. In fact, their amendment is more or less the same as mine. But there are two differences. In fact we had a talk....

Mr. Deputy-Speaker: The hon. Member need not disclose that talk.

Shri Achar: I am not disclosing anything. We had a talk that is all I said. I would not have moved my amendment at all. But I wish to make a final appeal to the hon. Minister; that is why I am moving it.

The two differences between my amendment and the hon. Minister's are these. One is with regard to the total number. I have suggested 69 in my amendment.

The Government has proposed sixty-three. I would not have mind about the number at all so much and I would not have pressed for this number. It is not for the sake of number. What has happened is that the new Council which is now functioning has got fairly a good number of representatives from the old Mysore State. If the number is increased to sixty-nine, this will give a chance for better representation from the areas which have joined Mysore now from Madras, Hyderabad and Bombay.

Shri A. K. Sen: Mr. Achar never loses hope!

Shri Achar: It is from that point of view that I am appealing to the hon. the Law Minister that he may accept the amendment.

Mr. Deputy-Speaker: Appeals should not be accompanied by arguments.

Shri Achar: I am trying to convince him. Without arguments he may not be convinced. That is one thing.

Apart from that there is another point. There is some little difference between the delimitation suggested by my amendment and by the Government amendment. I find in the Government amendment...

Shri A. K. Sen: Yes, I ought to have mentioned it. There is a clerical error there. I hope it has been corrected in the amendment proposed.

Mr. Deputy-Speaker: That, he is going to correct.

Shri Achar: My amendment is necessary for the Schedule. That is, the total number provided for the Local Authorities constituencies is twenty-one. I mentioned it. Whereas the total provided for Local Authorities constituencies is twenty-one, as typed it comes only to twenty.

Shri A. K. Sen: Instead of the figure "2" it should be "3" there.

Shri Achar: That is with regard to Bidar, Gulbarga etc.

So far as the other aspect is concerned I wanted to mention only this much, and I had suggested this in the delimitation proposal that in these constituencies there should be more or less two or three seats for each constituency, and the number of constituencies should be larger. But the Government amendment suggests, for example for Belgaum, North Kanara, Dharwar and Bijapur districts six seats—a large constituency with six seats; similarly for other constituencies also a large number of seats for each constituency. Especially, situated as the districts are without even railway communication, as for example my district which can be reached only with difficulty, to have these large constituencies will be very difficult for the purpose of election. That is why I make this appeal to the hon. the Law Minister.

My amendment is exactly like that of the Government. But if my amendment is accepted these two defects will be rectified. Firstly, the new areas which have come in will have better representation in the Council that is to be reconstituted. And the constituencies also will be divided into more units with lesser number of seats, which will be more convenient for the voters of the class of graduates or teachers. It is only from this point of view that I am urging upon the hon. Minister that he may be kind enough to accept my amendment Except for these two points, my amendment is the same as the Government amendment. I therefore make an appeal to the Law Minister to accept it.

Shri Shankaraiya: My amendment is with regard to the increasing of the number from sixty-three to sixty-nine As regards the other amendments I do not want to move them in view of the fact that the Law Minister himself has moved those amendments, and I wish to congratulate him on the judicious discretion he has exhibited in following a uniform policy in forming these Legislative Councils in the different States As originally proposed, a sort of distinction was made between Bombay and Mysore and the rest of the States He has now brought Bombay and Mysore in conformity with the other States and I congratulate him on that.

But as regards the number I would like to add my voice to the proposal already made by my friend Mr Achar Mysore from a very long time had a Legislative Council Since 1927 it had one Its strength even then, when it was a small State, was sixty-six or sixty-seven. Now it has expanded, and from one crore the population has become two crores. The area also has become double As I said, the original strength itself was sixty-six But during the time of the States Reorganisation Bill the Mysore State Legislative Assembly as well as the Council had passed a resolution that the strength should be increased to sixty-nine in view of the strength of the Assembly being 208 and taking into consideration the proposal of the Constitutional amendment that the strength of the Council should be raised from one-fourth to one-third that of the Assembly But unfortunately, for reasons that I do not know of, it was confined only to sixty-two. That was causing inconvenience.

Mr. Deputy-Speaker: So many discordant voices are not pleasant at least to the ear.

Shri Shankaraiya: It is no discordant voice, Sir So I am voicing the feelings of

The Deputy Minister of Irrigation and Power (Shri Hathi): Not yours.

Shri Mohamed Imam: Yours is a musical voice

Mr. Deputy-Speaker: The hon. Member may proceed

Shri Shankaraiya: I am supporting my friend Because, after the old Part C Mysore State had expanded by the addition of so many districts they found that the expanded area could not be adequately represented and they could not get adequate representation Therefore, taking all this into consideration the Mysore Assembly and the Mysore Legislative Council both passed a resolution for increasing the number to sixty-nine so that adequate representation may be given to the newly added areas And this time also the Legislative Council has passed a resolution that the number should be increased to sixty-nine. The hon. the Law Minister has exercised his judicious discretion by changing the method of the constitution; that is, instead of constituting it afresh he has allowed the original Members to continue, elections being held only for the remaining seats. We are thankful to him for that We will be further thankful to him if he can concede to the wishes of the Mysore State Legislative Assembly and the Members here who have been pressing for increasing the number from sixty-three to sixty-nine. That will be satisfying the need for representation of the new

[Shri Shankaraiya]

areas that have been added to the Mysore State, and I hope the hon. the Law Minister will kindly accept our amendment.

With regard to the other amendment to the Schedule, I may move it at the time of discussing the Schedule.

Mr. Deputy-Speaker: We will see it at that time.

Shri T. Subramanyam (Bellary): I will only deal with one point. The amendments given today suggest that sixty-three seats should be given to the Mysore Legislative Council, that the old membership should continue and there should be no re-election to any of those seats. I submit that in the practical working it will affect adversely and will be inequitable and unfair to several areas that have come in.

Formerly there were forty Members in the Mysore Council and those forty Members will continue And the twelve Members who come from the other areas that have joined it will also continue Only eleven more have to be elected. If the amendment of Mr. Shankaraiya or of Mr Achar is accepted, that would make it more equitable. Because, all the forty old Members of the previous Council would continue, and then twenty-nine would be elected from the other areas Either in size or population those areas are almost equal to, if not more than, the old State of Mysore They have a slightly greater population in fact. Though I belong to the old State of Mysore I must in all sense of fairness and equity to the new areas that have come in, support this suggestion And I would request the hon. the Law Minister to agree to the amendment of Mr. Shankaraiya and accept the total strength of the Council as recommended and passed by the Legislative Council and also the Legislative Assembly of Mysore on the 26th or 27th of December last, namely that it should be increased from sixty-three to sixty-nine, so that the new areas may have a sense of fairness.

Shri Mohamed Imam: Sir, I will take some time.

Mr. Deputy-Speaker: But he should begin at least

Shri Mohamed Imam: Sir, I have tabled an amendment to the amendment of the Law Minister.

Mr. Deputy-Speaker: Then he might continue the next day. We will take up the other discussion now.

PRICES PAID FOR LOCOMOTIVES MANUFACTURED BY TATA LOCOMOTIVE WORKS

Shri Feroze Gandhi (Rai Bareli): Mr. Deputy-Speaker, I am very grateful to the Speaker for having provided this time to the House to discuss one of the most important agreements that the Government of India have ever entered into with a private concern, I mean, the agreement signed between the Railway Board and the Tata Locomotive and Engineering Company

This is an important document. As I have said, it is interesting, it is intriguing and it is most confusing. It has baffled the best brains in the country. Rather than express my own opinion, I would like to read out to the House the opinion of the last Comptroller and Auditor-General, Shri Narahari Rao. On the 3rd November 1952, this is what the Comptroller and Auditor-General said in his evidence before the Public Accounts Committee. I am quoting him and I would request the House to listen to it very carefully:—

> "I have never come across"—this is Mr. Narahari Rao speaking—"an agreement better designed to create confusion and to blur all the issues. When I looked at it, I got very hesitant about my own accounts knowledge. I thought that probably I, did not understand enough finance and accounts when I first saw this agreement. I got quite alarmed." He goes on to say "I have yet to meet the Financial

> Advisers on the other side"—he means the Railway Board "and ask them how they made this agreement. We, of course, feel a bit suspicious about the whole thing."

These are the words of the last Comptroller and Auditor-General, the highest accounts officer of the State; this is what he has to say.

The present Comptroller and Auditor-General who, in his previous incarnation, happened to be the Financial Commissioner of Railways, had this to say about the agreement. He was speaking as the Financial Commissioner of the Railways before the Public Accounts Committee:—

> "The agreement is very difficult to understand, Let me tell you straightaway that I cannot understand many of the clauses."

He goes on to say:

> "We are very unhappy over this and we do not see light as to how this is to be handled"

These are the opinions, as I have said previously, of the highest men on accounts in the State.

If my own humble opinion were asked for, I would say that the agreement boils down to this: heads I win, tails you lose. It is all one-sided, entirely one-sided, and I am surprised how the Government ever entered into it.

While we were celebrating the deliverance of our country: on the 20th of August 1947, somebody in the Railway Board put his signature to this document—5 days after the 15th of August, and it took effect from 1945; that is, the new Government was committed for the last two years.

I would like to explain just a part of this agreement signed on the 20th of August. It stipulated periods for the manufacture of boilers. Period 'A' was to begin in June 1945 and end in June 1946. This was to be the development period. Then there was the second period, period 'B', which was from June 1946 to June 1947. Then there was the third period, period 'C', when the fixed price of the boilers were to be determined. It passes my comprehension how on the 20th of August, when two years had passed and only one boiler was supplied, anybody in his senses put his signature to a document on the date. Similarly, there was a period for development of locomotives, which was called period 'X' There was the second period 'Y', when the firm price would be fixed I will come to that later.

Now, under this agreement, both boilers and locomotives were to be manufactured by the concern known as the Tata Locomotive and Engineering Company. This Company invariably failed to conform to scheduled deliveries of boilers and locomotives and the so-called development period went on being extended, with considerable loss to Government. For example, the agreement envisaged the production of 50 boilers by June 1946 The target was reached only in 1954, after 8 years and this was accepted as the period of development.

Now. before I deal with the report of the Tariff Commission, I would like to say a few words about the closure of the Ajmer Locomotive Works in the year 1950. These works at Ajmer, with a tradition of 54 years of locomotive manufacture, were closed even before the actual production at Tata Locomotive Works began. And it would be interesting to you, Sir, to know that several boilers, which were made at TELCO, were transported to Ajmer and locomotives were manufactured there—the first locomotives to be constructed in India. And it is not a very new industry. It is not something which is very new to this country. The first locomotive was built in 1896. Subsequently, the Ajmer Works produced 450 locomotives in its life-time before Government decided to kill it. The designs and specifications of these locomotives were all prepared in India. The only figures of cost that I have been able to locate are avail-

[Shri Feroze Gandhi]

able in the publication "Indian Railways—One Hundred Years" and this states:

> "that in 1930 the cost per ton of imported locomotive was Rs. 1,170 as against Rs. 1,000 of that manufactured at Ajmer".

The production at the Tata Locomotive Works had not started and I really fail to understand the hurry with which the Ministry of Railways took action to close down this fine locomotive works.

Now, coming to the report of the Tariff Commission, I strongly feel that this dispute should never have been referred to the Tariff Commission. After all, let us see the background of the Tariff Commission. Its function has always been to protect the indigenous industries against foreign competition. In this particular case, the Tariff Commission seems to have thought of all the arguments for protecting, the Tata Locomotive and Engineering Works against not foreign competition but against Chittaranjan The report almost reads like an investigation into Chittaranjan's achievements, Chittaranjan's efficiency, Chittaranjan's low cost, Chittaranjan's not charging fantastically high amounts by way of double normal depreciation, its low overheads. This has all been held against it and the benefit of it has gone to TELCO. Probably I am using a little strong language, but at the same time by saying this I do not wish to minimise in any way TELCO's contribution to the building up of the locomotive industry. My only fear—and I tell you, Sir, this is my only fear—is that the contribution has been much too costly. We are a very poor country. We cannot afford this high cost of development.

I should aquaint the House with the staggering amounts that the Govt. have plugged into TELCO. The difference between the cost of production at TELCO and the imported price of a similar locomotive was treated as subsidy, and Rs. 2·29 crores were given by way of subsidy. The Railway Board very generously made an *ex-gratia* payment of Rs. 7 laks shown as profit by the directors of TELCO when profit was not due. This was also accepted to accommodate them. The Railway Board very generously waived a sum of Rs. 12·51 lakhs which was due by way of penalty against short deliveries. Then there is an investment of Rs. 2 crores in the preference shares of TELCO. There was a stage in 1949 when TELCO decided that they did not have enough money to put through the locomotive programme. I was a member of the Standing Finance Committee at that time, and at my instance this resolution was passed by the Standing Finance Committee on the 30th September, 1949:

> "If the company fails to obtain the additional funds from the market for the completion of the whole project, the question of Government acquiring it should be considered"

The balance of the funds, the additional funds, were not found by the company, but the Government did not act. I think that is a case where a committee of Parliament did its duty and the Government failed.

Then there is the sum of Rs. 73 lakhs by way of loan for housing scheme given by the Bihar Government; Rs. 4·47 lakhs due to loss of interest on materials imported from their technical associates. The total works out to a tidy sum of Rs. 5 crores. This is what we have plugged in. As an indirect benefit, TELCO were earning commission as agents of Krauss-Maffei in India. Krauss-Maffei are a German manufacturing concern who are their technical associates. I do not know the actual amount of the commission, and it would be interesting to know this figure from the hon. Minister. He can probably give it.

So, you will see that heavy amounts have been contributed by the public of this country towards the manufacture of locomotives by TELCO. We have not received the corresponding benefit of this investment by way of a lower cost of production than the landed cost of a similar locomotive.

Now I would give the House a little picture of Chittaranjan. The amount invested in Chittaranjan in plant and machinery—I speak subject to correction—is a little less than Rs. 8 crores. The balance is in the housing scheme. This seems to me a fine way of developing an industry.

What is the price of a Tata locomotive? Your guess is as good as mine. It has baffled many brain and probably I am the most puzzled. In answer to a question by Shri S. V. Ramaswamy on the 7th May, 1956, the Railway Minister said: "The price quoted by the firm for 1954-55 (that is the first price period, and then there is a second price period) including profit and managing agents' commission is Rs. 6,54,544." The Government thougnt that this price was rather high. This was a high price because the price in the development period, if I remember aright, was Rs. 5,82,000. The Government referred the matter to the Tariff Commission. Now I would like to give you another price. I have already given you the price from the statement laid by the hon. Minister on the Table of the House, namely Rs. 6,54,544 inclusive of managing agency commission and profit. The price quoted by TELCO to the Railway Board and submitted to the Tariff Commission, that is, the second price, was Rs. 7,20,000. I do not know how the inflation took place. It has baffled me. I have tried to understand it. I have gone on increasing the depreciation by leaps and bounds, but I do not seem to reach this figure of Rs. 7,20,000. This is a big firm, of one of the biggest industrialists in this country. I respect him too. One quotation from a firm like this should be the last quotation. It is surprising. If they had quoted Rs. 6,54,544 to the Railway Board, that should have been the firm price. It becomes Rs. 7,20,000 when passed to the Tariff Commission.

Now, there is a third price. The Railway Board submitted to the Tariff Commission the price quoted by TELCO to them, and the figure is Rs. 6,45,000 and it is signed by their Controller of Accounts. I will read it out because it is interesting.

Mr. Deputy-Speaker: Is this also inclusive of those commissions?

Shri Feroze Gandhi: I will read out the break-up of the figures as the Chief Controller of Accounts of TELCO has given it to the Railway Board: YP 26 unit revised cost Rs. 5,10,000—I am giving it in round figures; special depreciation Rs. 23,000; revised profit—that is, after the deliveries have taken place of the locomotives, the profit also got revised, I do not know how. Of course, I am willing to learn. I am a little baffled and puzzled, and I really do not understand that. Probably there is an explanation which I do not know. The total comes to Rs. 6,45,547. So, here we have three prices. The same confusion is there in respect of the second price period. Again, the statement laid by the hon. Minister on the Table of the House gives one price, the price before the Tariff Commission submitted by the Railway Board is the second price, and the third price is as quoted by TELCO to the Railway Board which they have submitted to the Tariff Commission. I do not wish to say anything more about it. I do not know which price is what.

The Tariff Commission was very generous, very generous indeed. The Railway Board would have done far better if they had accepted Rs. 6,54,000 or Rs. 6,45,000. They thought it was too high, so they went to the Tariff Commission. The Tariff Commission fixed it at Rs. 6,90,000 in the first price period and Rs. 6,37,000 in the second price period. I shall read out to you later the comparative figures.

[Shri Feroze Gandhi]

As I said, I am really interested in learning how the prices after the delivery of the locomotives could be jumping up and down. I would like to understand it from an academic point of view.

Now, I have seen a statement made publicly by a gentleman called Shri Mulgaokar who is a director or managing director of TELCO, in which he has contradicted certain figures given by the hon. Minister. I am not concerned with that part of it; it is the Minister's job to say what he likes. But in this statement I came across a peculiar position. The statement said that the prices of a Tata locomotive should be compared in the third price period to British-landed cost. I have not been able to understand the argument. The technical associates of TELCO were from Germany, and they are manufacturing German engines. But they say it should be compared with the landed cost from Great Britain. I have not been able to follow the argument, except that it did form part of the agreement, the agreement which I read out to you that prices in the development period would be compared to the landed cost of the British unit, but not in the fixed price period.

How do the prices compare? I am reading out the figures for the first price period (1-7-54 to 31-3-55), the Tariff Commission fixed price is Rs. 6,90,000. In the same period, we imported from Germany, 150 YP engines of the same type for Rs. 3,40,000 each

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): Rs 3 lakhs?

Shri Feroze Gandhi: Even a Minister has to get surprised sometimes

The German price, actually purchased, was Rs. 3,40,000; from Japan it cost Rs. 3,18,000. Now, there is another figure which has been provided. I do not know why. It says-quotation for comparison purposes from Great Britain: Rs. 4,15,000.

Now, we come to the second price period (1-4-55 to 31-3-56). The Tariff Commission awarded Rs. 6,37,000. The actual purchase price from Austria and Czechoslovakia was Rs. 3,00,000, and the quotation, again, from Great Britain was Rs. 4,15,000.

We come to the third price period and this is where we are. Now there are four orders. The Tariff Commission has given Rs. 5,40,000 in the first order whereas the locomotives actually purchased from Japan cost us only Rs. 3 lakhs each. This is the landed cost. The statement also says that 25 per cent of this is accounted for by customs, freight, package, insurance and all the rest of it. So to compare the factory price of Japan and Germany—the countries we are thinking of—we have to remove 25 per cent and then compare it with the factory price of TELCO's locomotive which was Rs. 5,40,000, Rs. 5,11,000 and then it has come down to Rs 4,44,000 (in the third order).

Now they say—this is TELCO's argument—that this should be compared to British landed cost. I am very much surprised because their own technical associates give a quotation to the Railway Board for this period—the quotation of Messrs Kraws Maffie, West Germany, who are technical associates of TELCO—is Rs 3,50,000, the maximum Rs. 3,67,000, the actual price depending upon price variations. Again, this includes 25 per cent of the additional cost because of customs, insurance etc. to which I just referred. I cannot understand why this repeated argument is being held out to compare the cost of the TELCO locomotive with the cost of a British locomotive landed here.

One of the main factors for this excessively high price of the TELCO locomotive seems to be the enormous amounts paid by way of initial and double normal depreciation. I am surprised to find that the Tariff Commission did not attach due weight to this aspect of the case whilst formulating its proposals. The Railway Board, in order to accommodate this industry, went out of their way in paying initial and double normal depreciation to the extent of Rs. 1.14 crores in the development period, though this was not provided for in the agreement; nor could it be made a part of the cost of production. This aspect was specifically pointed out to the Railway Board by the Central Board of Revenue, in spite of which this amount was paid. This amount is an overpayment. It has been held to be an overpayment by the Public Accounts Committee, and I think the Financial Commissioner also gave his slight approval—that is at least the way the report reads.

This is an overpayment and I request the Railway Minister to retrieve it by way of rebate on future supplies of locomotives We must get back this amount

Whilst on this subject, I might mention that I have my own doubts. How was this made? If this did not form part of the agreement, then how was this done? How was this agreed to? Some intelligent officer in the Railway Board exchanged a letter. This was done by exchange of letters, and we have had to pay this sum. I might mention that I have my own doubts as to whether any officer of Government can change the contents of an agreement between the then Governor General of India and a company by mere exchange of letters without incorporating any change in the agreement itself. That is my point.

Shri Ranga (Tenali): Where is that officer now?

Shri Feroze Gandhi: My main reason for demanding the adjustment of this amount of Rs. 1.14 crores is that this amount has not been invested by Tata Locomotive and Engineering Co. for the furtherance of their locomotive section. In the 13th report of the PAC the Auditor General has been quoted as saying:

> "Moreover, this additional depreciation had been allowed on the additional amount invested on equipment etc. though the investments were not for purposes of the present agreement".

So with this amount, we were probably financing TELCO to build trucks and steamrollers—and I think we got steamrollers in the process.

The whole plan of TELCO seems to be to squeeze the entire depreciation into a brief period of 7 or 8 years by which time Government would have paid 80 to 85 per cent of the original cost of plant and machinery. In other words, Government would be making a gift of the entire plant and machinery to TELCO for about 10-15 per cent of its original value in 1960-61 when the agreement expires.

This, I think, is a fantastic situation and should not be tolerated. I would request the hon. Minister to make every effort to see this amount is retrieved.

The agreement expires in 1960-61. Supposing TELCO says 'ta-ta' to the Railway Minister in 1960-61, what will be the position? The agreement expires in 1960-61 and they are fully entitled to say 'ta-ta' to him. I do not think Government can afford to be so generous with public funds. I will not say more than that.

Paragraph 12(1) of the Tariff Commission's report analyses the differences in man hours per locomotive in Chittaranjan. As I told you, Chittaranjan has committed a sin because it is in the public sector, because it is a State factory. So, everything must be compared with Chittaranjan.

[Shri **Feroze** Gandhi]

Good; compare it. The time taken at TELCO for the manufacture of a locomotive was 46,000 man-hours—I am leaving out the figures in hundreds—and the man-hours per WG broad-gauge locomotive at Chittaranjan during the same period were 33,000. This is the Tariff Commission's report. The Tariff Commission states:—

17 hrs.

> "It has been estimated that 81 per cent of the man-hours per WG locomotive produced at Chittaranjan, that is, 27,000 hours should be sufficient to produce a YB locomotive under Chittaranjan conditions."

Against this 27,000 hours they are taking 46,000 hours. The man-hours actually taken at TELCO exceed this target by 71 per cent, states the Tariff Commission.

Now, the question arises in my mind, who is to pay for all this idle labour which the Tariff Commission discovered at the Tata Locomotive and Engineering Works, amounting to about 19,000 hours per locomotive? It hurts me to say all this, but I say it.

The Tariff Commission has explained this away by arguments which I am not prepared to accept. Why should Government be made to pay for idle labour or inefficiency of management at TELCO? The Tariff Commission's findings seem to be in one direction and their conclusion in quite another. They did not allow any allowances to the Railway Board for this state of affairs. They worked it out in another way. When I answer the Minister, I will come to it.

With regard to the high capital cost of the TELCO undertaking, I may mention that in a speech to the shareholders on 5th October, 1955, the Chairman of the Tata Locomotive and Engineering Works declared that the manufacturing costs are high—and I want the Minister to listen to this very carefully (*An Hon. Member*—He is listening)—the Chairman declared that the manufacturing costs are high because their output is still below what it should be, and that even when production is raised to the present capacity, the cost will still be on the high side because of the relatively small capacity of the plant in relation to the capital invested in it.

Be careful for the future. March 1958 is approaching; do not say that nobody warned you.

Now, the problem is, what shall we do? The agreement hangs like the proverbial sword over the officers of the Railway Board. The clauses of the agreement are like a noose around their necks. Government have done all they could by way of negotiations. Six months are left for the third price period to come to an end in March 1958 and still firm prices for the subsequent period have not been fixed It will be again 2 months, one month and 15 days and something will be done and again we will be in the soup because the cost of the TELCO locomotive is going to be nowhere near the landed cost of the locomotives quoted by their own technical associates.

I assure you Sir, if I have understood the report of the Tariff Commission and all the papers from which I have read out to you, I can assure you, that it will never be anywhere near the landed cost of a similar Krauss Maffie locomotive which is manufactured by the technical associates of TELCO.

In a situation like this the only alternative before Government is to invite the Tata Locomotive and Engineering Works into the public sector. If you do not do it today, I am sure, you will do it tomorrow.

Shri Ranga: And at higher prices.

Shri Feroze Gandhi: TELCO has got to be nationalised and my last suggestion to the Government is that never enter into a contract with a private company on the basis of no-profit-no-loss.

Mr. Deputy-Speaker: We have two hours for this discussion. Thirty-five minutes have been taken by the mover. There are one hour and twenty-five minutes left. May I know how long will the hon. Minister require?

The Minister of Railways (Shri Jagjivan Ram): Not much; it may be about 25 to 30 minutes.

Mr. Deputy-Speaker: Then, we have one hour left. The hon. mover was not correct when he said that he would tell the Minister in his reply because he has no right of reply. So, there is one hour more and within that the other speech should be finished.

Shri Feroze Gandhi: Why did you not tell me before, Sir?

Mr. Deputy-Speaker: Most of the arguments have been advanced and facts given. Now, ten minutes for each Member would, I think, be sufficient.

Shri Warior (Trichur): Before that, I would like to make a submission. As a co-mover of the motion, I may also be given some concession.

Mr. Deputy-Speaker: There are no co-movers though the motion has to be supported by some Members.

Shri Warior It is not mere support, Sir.

Shri Morarka (Jhunjhunu): Mr. Deputy-Speaker, Sir, the hon. Member who has just preceded me had given you certain facts. I would like to add some more to the list which he has given.

The history of TELCO begins somewhere in 1943 when the Tatas approached the Railway Board with a proposal to manufacture boilers as a war project and locomotives as a post-war development. Government liked this proposal and negotiations started. In September, 1944, a draft agreement was prepared; it was signed in 1945. This agreement was finally signed on 20th August, 1947. Soon after this an agreement was signed, TELCO approached the Government saying that 50 locomotives and 50 boilers per year was not an economic production and so they must be allowed to expand the capacity to 100 boilers and 100 locomotives a year. The Railway Board agreed.

Then, the next important stage comes in 1949 when the Tatas again approached the Railway Board for financial help. At that time, the Government first gave them a loan of Rs. 2 crores. That loan was, within the course of one year, converted into preference shares. Before this happened, in November, 1947, a letter was written by the Railway Board, as was mentioned by my hon. friend, Shri Feroze Gandhi, allowing the company to charge special double depreciation and development rebates allowed under the Indian Income-tax Act.

At the time this agreement was signed, it was understood, and incorporated as a provision of this agreement, that the whole agreement would be divided into two periods; one period was the development period and the other would be fixed price period. The price to be paid during the development period was going to be quite different from the price to be paid after the development period. The development period for boilers was to expire within 2 years from 1st June, 1945; and the development period for the locomotives was to expire within 2 years of the receipt of the plant for the manufacture of locomotives.

It is important to mention these two periods here because, ultimately, the price to be for the locomotives and boilers depended on at what time and in what period they were manufactured. The price was to be paid to TELCO in two ways. Firstly, that

[Shri Morarka]

TELCO would be paid prices equal to the actual landed cost of a similar locomotive or boilers from U.K. and the difference, if any, between the landed cost and the actual cost of production of TELCO was to be debited to a new account known as Development Account. The balance in this account at the end of the development period was to be later on wiped out in 8 equal yearly instalments by enhancing the price of the locomotives and boilers which would be delivered during the fixed price period, by one-eighth, of the total balance in the development account, each year. The idea was that after the development period the price of locomotives would be reduced to such an extent that it would absorb this one-eighth of the development cost and also 7 per cent profit to be provided for the TELCO, and even then the price would not exceed the landed cost. Actually what happened was something quite different.

The first point which I want to make against the Railway Board is that after this agreement was signed, one sided as it was, it was never supervised by the Railway Board. The Railway Board never insisted on the implementation even of the main provisions of this agreement. The schedule of delivery, the schedule of manufacture was much behind, so much so that in certain items it was behind by five to six years. In the agreement there is the penalty clause, which provides that if the TELCO's failed to deliver the agreed quantity within a certain time or within the period of grace, which was one month, the Railways could buy the locomotives and other things at the cost of these people from anywhere else or claim liquidated damages. That was never done.

Another thing which I want to point out is, in any event the manufacture of locomotives and boilers was entrusted to a firm which had neither the technical know-how nor the necessary finance. For getting the technical know-how they started negotiations sometime in January, 1946 and only in July 1950 they completed the agreement with the West German firm. Similarly, about finance also they came to the Government in 1949 and took Rs. 2 crores, otherwise they said if the Government wanted they could nationalise it.

Not only this, the Railway Board from time to time went on relaxing the provisions of this agreement. As I said, they wrote a letter in November, 1947 allowing special depreciation. Then, in November, 1954 they put a supplemental agreement which laid down the formula for dividing the overheads between the locomotives and boiler division and other products manufactured by Tatas. They agreed to the increase in capacity from 50 to 100 boilers and locomotives, which capacity was never reached and for which the Railway Board always paid high depreciation and development expenditure.

The Tariff Commission says that the various factors impeding and retarding the progress of TELCO's, could have been avoided if the Railway Board wanted to do so. Sir, I cannot quote because I have only very limited time, but it is in paragraph 14 of the Tariff Commission, Report.

Even the future price, which according to the Railway Board are now reasonable, which we would be paying are 150 per cent of the price which we have to pay for a similar locomotive imported and perhaps a little more for the boilers. When this agreement was originally drafted, it seems the intention was that this company would manufacture only locomotives, but later on it started manufacturing road rollers (steam rollers), underframes and diesel trucks.

Sir, I would like to make a few points about the Tariff Commission's Report. My first point is that they did not enquire into the question of delay in production at all. They cannot go into the question of delay because it was considered outside their terms of reference. In my humble opinion that was the most material and important thing for them to have gone into. The delay had really inflated the cost of production.

Secondly, they did not examine the question of bonus to workers and the scheme of bonus on the ground that it would be a retrospective enquiry. At that time they forgot that the whole enquiry they were conducting was a retrospective enquiry.

They did not make any comment on the question of depreciation. They could have certainly gone outside the boundaries of the agreement and made a recommendation whether the depreciation, the special depreciation and all those things which were allowed were reasonable or not. Then again they tried to defend Telco. about their being preoccupied with diesel trucks. This is a very funny thing to note When in 1953 the Railway Board asked TELCO as to why they did not increase the capacity to 100 locomotives and 100 boilers, they said that they were busy with diesel trucks and steel foundaries and unless they establish production there they could not do it The TELCO's have not disputed this fact. But the Tariff Commission says that they could not have argued like this. It is surprising to note that when the person concerned says, yes, the Tariff Commission says: no, they could not have said this.

It has awarded them a price more than they asked. My friend Shri Feroze Gandhi made a slight mistake in his speech which was otherwise so accurate. He said that before the Tariff Commission they asked the price of Rs. 7,20,000 as against Rs. 6,54,000, which they had asked before. No, it is not so. Rs. 7,20,000 was the figure given by the Railway Board, Before the Tariff Commission they asked only Rs. 6,54,000, and that is mentioned in the Report of the Tariff Commission on pages 7 and 8.

They have gone outside the agreement and recommended that no further orders for boilers, spare boilers etc. should be placed.

I have only one small point more and that is this. Today the per ton price of a Chittaranjan locomotive comes to Rs. 4,100 and the per ton price of YG locomotives given at a reduced price, which the Railway Board and the Government are so pleased to accept, comes to Rs. 6,100. I think there is a case for enquiring again into this matter. The Report of the Tariff Commission must be re-examined and we must go again into the whole question and fix the price afresh.

Shri Warior: Sir, about this affair so much has been said already. I do not think that I should cover all those points again. But you must note one thing. Not only this report but all the PAC Reports available in the library provide not only interesting reading but confusing reading also. I had been reading through them all this time, and I find no reason whatsoever for fixing so many prices which the Railway Board had been gracious enough to give to TELCO.

The other day in the Parliament a question was answered that the difference paid to TELCO as their landed cost and the cost submitted by TELCO will be somewhere between Rs. 3,52,000 and Rs. 7,00,000 and odd. But, where is this amount going to? This amount goes to the development account. What is this figure of Rs. 3 lakhs? They say it is landed cost. Shri Feroze Gandhi said that it includes packing and all other things. Not only that. I understand that it includes even the duty paid, and there was exception taken in the PAC. It is reported by the Auditor-General that this duty should not be counted as

[Shri Warior]

their cost. When you add this duty to the cost of the imported locomotive that duty also goes to TELCO. Not only that. It is from left hand to right hand that the departments are paying. But, actually, that also is included in the cost. Therefore, the landed cost is actually a fictitious figure, it is a fiction. It is not a real figure. Much has to be deduction from that figure. Then only we can arrive at the real figure, and then the gap widens.

Shri S. V. Ramaswami (Salem): 25 per cent less?

Shri Warior: 25 per cent or even one per cent, that is not the point here.

Another point that I want to make is—I have not got the time to make all the points even if it is a debate for three days—about the idle capacity of machines in TELCO. This idle capacity was purposely and intentionally kept there, because TELCO is not TELCO alone, there is AUTO also TELCO manufactures all the things for AUTO There is a proverb in our language which says that if a man has sunk in water we do not know whether he has drunk or not. Just like the frogs in water. This AUTO and TELCO together are functioning, in a way and manage it in a way. All the material costs, all the production costs, all these can be computed to the TELCO, because Government has guarantee whatever cost is incurred by the TELCO will be paid. So, I do not know what word should I use—I do not want to use the word 'smuggling' for it may not be appropriate. Some things are smuggled into the AUTO for instance. Some material is made in TELCO; that is not accounted. There is no cost maintained. That is the funniest thing. The Tariff Commission has tried its level best and more to take TELCO under its wings, but it could not. You go through these 100 pages. We find it reads just like a novel. Is it possible for people with some common sense and intelligence to indulge in such things? Is it possible to squander public money like this?

Shri Gandhi said about the deferred payments. Shri Gandhi also quoted about the payment which is made on account of the agreement. Now, all these things are here. Again, I do not want to quote all these things, but it is not because I have not got the material here.

Take for instance, the idle capacity In this respect, there is bungling on the part of the management; not only on the part of the management but on the part of the Railway Board also. Here, it is more important—in Parliament—that the Railway Board and the Railway Ministry must be taken to task, because the Railway Board know fully well that this TELCO has more capacity. There must be some deficiency or some lack of certain machinery. I do not know why there is idle capacity. Any shortage must have been recouped and the full capacity could have been used.

These TELCO people do not deliver the goods according to schedule. The Tariff Commission says they cannot be taken to task. They cannot be penalised for that. It is the Railway Board that must be penalised. Somebody must be penalised because it is public money. It cannot be squandered. It cannot be wasted. So, these things obtain in TELCO. It is very—I do not know which word is parliamentary and which is not—irregular.

Now, much is said by the managing director, Shri J. R. D. Tata in reference to the last annual report which he read to his shareholders recently, and the labour trouble was referred to. What is the situation actually obtaining there? I think I can quote some figures from the records. The basic wage paid to the workers in TELCO is much less than that in Chittaranjan. I mean the basic wage. The total emoluments might be higher. The total wage packet might be bigger, but the basic wage is less than in Chittaranjan. You know the trick of the trade. I will quote a thing which is interesting.

Mr. Deputy-Speaker: He may quote anything he likes within the time available.

Shri Warior: In the general machine-shop, 65 per cent is the minimum and 88 per cent is the maximum. The incentive bonus paid comes to 60 per cent in boiler shop which is the biggest shop and ranges upto 200 per cent. The worker does not know how much he gets. This time they make it 200% and at another time, they reduce it to 60%. But a conscious worker, I tell you, would not allow such a practice in any of the workshops, because the basic wage is the main thing. The basic wage is the criterion, on the basic of which all other emoluments are calculated. In the long run, the basic wage is beneficial to the worker much more than the transitory, bulging wage packets.

This is the thing obtaining there. Not only that. So much is made about the labour trouble. Chittaranjan Works house all the workers; TELCO houses only 40 per cent or so. Now they are coming to the Government and asking them to give them some more money to help the people. That also they must grab. This also they must grab. Landed cost also they must grab; total also they must grab. I do not enter into details, There are a thousand workers who are permanent workers but who are put as casual labourers. They are paid Re. 1 each. As so much is made about the wages of the workers in Chittaranjan, I have to point out this thing to the Ministry of Railways and this House must know this, because, the casual workers who are working since the past four or five years are not still taken into the permanent staff. They are given permanency of work and not made permanent on the pay-rolls. Such things are done there. I do not say that Chittaranjan is a Heaven. There may be some other things which can be compared with TELCO. This TELCO is a huge hoax played on the workers. No emoluments; no amenities; nothing. And these 1,000 workers were at the bottom of the recent trouble. What happened? You must understand that recently there was trouble. These workers wanted to be placed on a permanent footing. The management was not willing to do that. Then they struck work. What happened? I think the manager there is a German. I do not know. So, in a way they all come and go. This management, or the manager, so to say, asked skilled workers to do the job of mazdoors, or the coolies. They naturally refused. If I am asked to do the job of a bearer here, I will naturally refuse. That is quite natural. The skilled workers are paid Rs. 3/12 and the casual labourer is paid only Re. 1 for ordinary work.

Then the trouble came. What is happening now? In collusion with so many other things or so many other people in authority, the management is cooking up the cases against these skilled and unskilled workers to beat them down after doing all these things, namely, first of all enriching themselves on the tax-payers' money by crores and not lakhs, then misusing the entire capacity and investment of that year or using it for their own advantage and then going against all the stipulations in the contract. The Tariff Commission itself has put it in its report. Thus, TELCO is in a stage where there is no other alternative but the Government to take it over. There also, there is difficulty. It has been put in the Government memorandum given to the Public Accounts Committee that it comes to Rs. 7 odd crores, but actually, Government has paid now Rs. 5½ crores. What all things are done? It is amazing, it is fantastic, it is suprising. Some of the payments are illegal and *ultra vires* of our Constitution even. It is with the Government that an agreement was made and without asking the Government, without asking the

[Shri Warior]

Parliament, they go and write an executive letter, and then crores are paid. What is the necessity of the Parliament having the strings of finance here in Parliament if such things are done? Heaven knows. This is the position.

Finally, I have to point out that the only alternative to this is, Government should take over TELCO and no valid objection should be brought forward by the TELCO management because they themselves advanced this. Government was not willing to do that. They said in 1949 that they were in a mess, and that the Government must take it over or help it. Why did not the Government take it up then? I do not know. I was not here then. But the Government was gracious enough to give Rs. 2 crores. What is the guarantee for that amount of Rs. 2 crores? I do not know. Government says that there are Rs. 7 crores odd as assets, and that is the difficulty for the Government to take it over!

But there is another thing and that is another point I want to make out. There is a kind of king-fisher in our part of the country that will sit on the bank of the tanks. When the small fish comes the king-fisher will dart and take it in its beak. But when it is a big fish, the king-fisher will shut its eyes. So also the Government is shutting its eyes; when Tata or some other magnates come here, all are in a shiver. The officials are in a shiver; the Ministers are shivering; everybody is in a shiver. I cannot understand this. There are certain trees whose branches are bigger than the tree's trunks. Here in the private sector, a monopoly concern is bigger than the public sector now. Government is taking the entire thing produced by them. It is a monopoly business. The Government is the only concern which is taking all the produce of the TELCO. They have nothing to do with any other person.

So, the Auditor-General has rightly pointed out in the evidence he has given in the PAC, when my hon. friend quoted earlier. We are not advocating that all things must be taken in the public sector or the Government should monopolise all those industries. But this is an industry in which the Government and Government alone are taking the goods and so Government and Government alone should be the owner of that industry.

Shri A. C. Guha (Barasat): Mr. Deputy-Speaker, I think Mr. Feroze Gandhi has covered practically all the points........

Shri Feroze Gandhi: Not even half.

Shri A. C. Guha: That is also true in a sense, and I do not like to repeat what he has said. But it won't be possible to avoid all the points that he has touched. He has stated what subsidies the Government has given to this firm. But I think he has not mentioned all the items.

I find from the Railway Board's reports that the Railway Board subsidised the company during the pre-price development period thus: Rs. 2.30 crores in development account, Rs. 12.57 lakhs by waiving the penalty clause, Rs. 7 lakhs as *ex gratia* payment and Rs. 4.47 lakhs as interest on a revolving credit system. That is again a new thing, which I think no Member has yet mentioned. I shall come to that. Again, the Government gave a loan of Rs. 2 crores which was later on converted into a preferential share of 5 per cent. I shall try to explain some of these things.

The company was not expected to make any profit during that period; yet, the Board declared in the shareholders' meeting that they had made a profit of Rs. 7 lakhs. So, the Railway Board was indulgent and kind enough to make an *exgratia* grant Rs. 7 lakhs. I cannot understand what justification can there be for that. I think the Railway Board should even now try to get the amount refunded or readjusted in the price of the locomotives and boilers to be purchased from them.

This company entered into some contract with a German firm, I think Messrs. Kraus Moffie, and they have to make some advance to that company. So, the Railway Board came to their rescue and opened a revolving credit system to the tune of Rs. 80 lakhs. This credit was interest-free. The interest on the amount that has been advanced would come to Rs. 4.47 lakhs.

I think there is another item which would require some further elucidation. That is the idle time of men and machinery. As has been stated, this company was over-capitalised both in machinery and in men though imbalanced. It is over-staffed and its machinery also is practically double that which might have been required for the production of the Government orders. They employ these extra men and machinery for some other work, which has been called non-project works and they earn a profit of Rs. 50 lakhs out of that work. But, still the cost of the overheads on account of idle time of machinery and men was borne by the Government and adjusted in the price of the boilers and locomotives produced by the company. While the company was earning profit by using the surplus labour and surplus machinery. I cannot understand how the Railway Board could have agreed to give them again the benefit of having the overheads on the surplus labour and surplus machinery to be charged in the cost of the boilers and locomotives.

There is also another thing about floating of assets. As I have stated, the company was not expected to make any profit nor was the managing agent expected to draw any commission. But still this was shown and added as the assets of the company and the Railway Board had also to bear the overheads on this.

Both the Public Accounts Committee and the Tariff Commission have repeatedly mentioned about the defective price-work system and the cost accounting prevalent in TELCO. Mr. Feroze Gandhi has mentioned a comparative figure of the man-hours required in Chittaranjan and in TELCO. I shall give you some figure about the number of men required in the United Kingdom and in TELCO. For a locomotive to be produced in the same time in the United Kingdom, they would require only 18 to 20 men, whereas in TELCO they would require about 58 persons. It is nearly 300 per cent more. I do not know whether the Railway Board has taken any action to improve the defective piece-work system and the cost accounting system.

Mr. Feroze Gandhi has referred to the comparison the Tariff Board has drawn between Chittaranjan and TELCO. I think all the merits of the Chittaranjan factory have been taken here as a sort of demerit on the part of the Chittaranjan. Why it has been so efficient in producing things, that has been cited more or less as an offence on the part of Chittaranjan. I do not like to read out those things. The Members who are interested can read it in the Tariff Commission's report, pages 30-31, para 14. There it has been particularly mentioned that Chittaranjan was able to develop a good piece-work system and training of men, which has not been possible in the TELCO. On that ground, the Tariff Board was indulgent to recommend some special treatment for the TELCO products. I cannot understand why TELCO should not have been able to produce a good piece-work system and also train up their men properly.

Something has been mentioned about the initial and the double normal depreciation. This is allowed by the Central Board of Revenue for income-tax purposes. This matter was referred to the Central Board of Revenue and their definite opinion was that the increased depreciation allowance which is to be allowed as an incentive to stimulate production by setting up new industries should not be included as an element of cost so as to inflate artificially the prices payable by the Government.

[Shri A. C. Guha]

Nothing but normal depreciation should be allowed in regard to that. Yet the Railway Board was giving this special concession to this company. I believe the amount would be about Rs. 1 crores. I am surprised that the Tariff Board has also more or less supported this claim of the company.

I do not know why this matter was sent to the Tariff Board; it should not have been sent to it. When one reads its report one feels depressed. It is expected to be a semi-judicial and independent body but this report does not give any impression as coming from a semi-judicial and independent body which is charged with the responsibility of protecting of nation's interests I think this report should not have been accepted by the Railway Board and even now the Railway Board should take the earliest opportunity to reject the recommendations of the Tariff Board and take some steps to get over these things

I find that quite some years ago the Public Accounts Committee recommended the nationalisation of this TELCO company. I do not know why this step has not been taken. Perhaps there are some legal difficulties. Even now something should be done. If it takes some time, then pending that, that the Railway Board should immediately put some members of the Railway Board in the management of the concern. There is only one representative of the Government of India in the board of the company. The company has only raised Rs. 2 crores and our Government has put more than half share of the capital of Rs 2 crores from the Centre and Rs. 75 lakhs from the Bihar Government; and our representation on the board should be on that basis. Something should also be done to improve the piece-work system and the cost accounting system and steps for the nationalisation of the firm should immediately be taken.

Mr. Deputy-Speaker: Shri T. N. Singh. I am calling hon. Members in the order in which notice has been received. I shall try to reach all the hon. Members but if it is not possible, I may be excused.

Shri Feroze Gandhi: May I suggest that, as Chairman of the Public Accounts Committee, he should be given a little more time.

Mr. Deputy-Speaker: I have alredy called him.

Shri T. N. Singh (Chandauli): Sir. I am afraid that I have very little time at my disposal. I know all this business; I can speak of this agreement between the Government and the TELCO from the beginning and way it has functioned is a sorry tale of delay, ineptitude, inefficiency, failure to keep pledges and promises and also mis-management and loss of public money. I make these statements with a full sense of responsibility I have no criticisms to offer against any particular individual. I think the Tatas and others are honourable men but all the same as the story has unfolded itself during the last eight or nine years, it is a very sorry tale. We enter into an agreement; they assure that they will manufacture about 50 boilers within one year and fifty locomotives next year. It never came true. In 1950-51, as a member of the Public Accounts Committee I raised these issues before the representatives of the Railway Ministry. Then they also expressed great dissatisfaction over the state of affairs Then again in 1952, the matter was thrashed out in detail and with great difficulty we got an agreement. Then. the Auditor-General observed in the following words:

> "This agreement took effect in 1945 June.
>
> "Actually it was not drafted till 1947; and in spite of their having had two years time to think of the draft, they seem to have thought it out in the most confused manner possible. I have never come across an Agreement better designed to create confusion and to blur all the issues."

That is the position with regard to this agreement. Two years it took to draft the agreement and after actually the agreement was in force it was signed two years after and then this is the result that we have got. You read through the agreement, anyone I say, and I am sure unless he reads it ten times, he will not understand the first, two and third paragraphs. After having read it also, he will wonder whether he had really read them again or not. That is the position with regard to this agreement.

Then, how has it worked? We have been compelled, by circumstances, I say, to enter into what we now consider are follies. For instance, it has been stated about two crores business. I will cite it as an instance. Now the two crores were first an advance. The interest was charged to TELCOS, which they again got back from us in the shape of prices of locomotives and boilers. Then, in order to avoid the interest charges we were compelled to become shareholders in that concern. That is the story.

Then again, it was said when the agreement was being signed: all right, what does it matter? TELCOS will be always under our thumb, because after all we are the men who require the locomotives; if we stop orders they will close down. Can anyone do that? Will it be possible to close down construction work there? After all some locomotives are being manufactured; the project is desirable, but it is being mismanaged. But if we stop it so many workers will go out of job; all the money will lie idle; the factory will remain idle. Why should we beguile ourselves by the consolation that when we want we will stop orders, they will close down. That actually will never happen.

These are the wrong conclusions on which things were done. I wanted to point out several instances of this type. I do not want to burden the House with all those details. But one thing I may point out here.

Here is a private firm. They are supposed to be very experienced industrialists, probably the most important and the most powerful industrialists in the country. What do they do? They enter into an agreement in 1945. Actually it came into operation in 1947. They are not able to start work till 1950. Then they start searching at that time, sometime before 1950 some firm which will give them the know-how. Other agreements had not succeeded. So they enter into a kind of agreement in 1950. It starts operating sometime later. Now, I say, for five years if a firm of such experienced people as Tatas cannot think that they will require some suitable agreement for the know-how for the proper technical arrangement, for supervision and production, they are inefficient. That is why I said that this is a story of inefficiency.

Shri Goray (Poona): Is it inefficiency or deliberate?

Shri T. N. Singh: I would not impute motives; I am not accustomed to that. I am not accustomed to imputing motives. I go on facts, because I have the honour to belong to an hon. Committee of this hon. House which tries to discuss things objectively.

It is said in the Tariff Commission's Report that they had planned for 100 boilers and 100 locomotives. So many things were not produced; therefore the cost went up. Now what is the position today? I ask anybody to go and make an enquiry; they will find that that concern is not capable of manufacturing 100 boilers and 100 locomotives because the equipment is not balanced. I can say with certainty and with conviction that it is not at all a balanced equipment. They must invest at least another crore, to make it good enough to manufacture 100 boilers and 100 locomotives. That is the position today.

Shri Feroze Gandhi: Don't suggest it; or they will give it.

Shri T. N. Singh: I think they are already looking for such things. So this is the position. And we have been going on in this manner.

I will tell you another thing. After all, this is a concern which is clearly a profit-making concern. I do not know what was the wisdom of entering into an agreement like this. After all, the profits they make they will make out of the supplies we make to them. We will pay the profits also. Why should we enter into an agreement of this sort when we are the sole users almost? And I fail to understand as to how this happened. I can excuse it because, probably, it happened in the pre-Independence era.

Shri Ranga: How?

Shri T. N. Singh: It was signed five days after Independence. That is all. But it must have been finalised before that. It is said that they had begun work on that assumption from 1945. We handed them over a big factory containing some very good machines. They did not start from zero or from scratch as in Chittaranjan We started production in Chittaranjan much earlier than they did there, and we came out with locomotives much earlier than they manufactured even one locomotive This is the position. It is not a matter of pride that a public undertaking managed by us, managed by this Government, managed by this State of ours functions so successfully? Then why praise private enterprise, I ask. What have they done? Here they had complete orders and we were prepared to pay anything, even beyond the rate at which we get from abroad, paying through our nose for that, and yet they were not able to do all this production. They were given all facilities. Much song is made about it that they had this or that lacking. I say it with authority, with knowledge and with full conviction that they got all the facilities that any concern whatsoever could have got in India, from the Government. They got factory, land, everything ready-made. Here, if you want to start a factory you have to acquire a land which takes two years. I know what trouble there was in Chittaranjan in getting land and site. But they had no trouble.

There is one thing more. We have been insisting repeatedly from 1950—as a Member of the Public Accounts Committee I have done it, and I can say with full knowledge—that the accounts must be separated; the locomotive workshops and the other activities of the TELCOs, under-frames, road rollers or diesel trucks should all be separated. They have not been separated. There is an *ad hoc* arrangement of dividing the overheads on idle time of machines. Actually idle time of machines has gone mostly to our engines.

Shri Radhelal Vyas (Ujjain): Completely.

Shri T. N Singh: Why should it go like that? I cannot make out. Idle time of machines and men, overhead charges, all these things have been added to the cost of the locomotives and boilers. That is very unfair.

That is why I say with all humility that where we are the purchasers, we are the investors practically and suppliers of all finance, it is unwise to entrust it to even the best of the industries in this country. That is the one lesson we should learn, because they cannot forget—legitimately or illegitimately, I cannot say—their profit motive This should be a State undertaking. That is principle number one. And I hope we shall learn from it.

Another great difficulty is this. I am restraining myself about a number of things relating to this concern and the way it has functioned because I have always found, it is a tragic experience of mine whenever I have tried to find faults here or elsewhere, that I have to be afraid of something else. In this case I am sure it is a fit case where a State undertaking should have been taken—and Government have been trying to fight all through, but the agreement was defective and they have been fighting against inevitable factors and the situation, and the result is they go on taking advantage of that all through. Therefore, when I say all these things I am always afraid that the hon. Minister or somebody from that side may, thinking that it is criticism of the Government, start defending TELCOs. That is one thing I am afraid of.

Shri C. D. Pande (Nahi Tal): That happens in every case.

Shri T. N. Singh: In any case, when the question of taking over comes, they say "You have defended us, we did this, you gave all the praise."

And if you give us praise, give us compensation fully. I want this House, and also my hon. friend, the Minister, for God's sake, to understand that you are not here to defend the TELCO administration. You are here to do what should be done. As a matter of fact, we need not go very much into the affairs of the case. It is so evident. There have been actual losses, there have been delays and inefficiency. All these things are there. They are on record to be verified by anybody. Even the blindest man can know what the facts are. It is no use trying to fool us about these facts.

Mr. Deputy-Speaker: The hon. Member should conclude now.

Shri T. N. Singh: One minute more and I am done. I am conscious of the fact that I should not have taken any more than I should take. I am really sorry, I have taken some other colleague's time.

In the end, I would only say: nationalise this undertaking straightway. That is the one advice that I can give. This advice was given in the year 1952. I also want to say that we should not have gone to the Tariff Commission. I am very certain about it, because, whatever the other things may be, they are the men whose job is to help industries by recommending protective duties. They impose all kinds of conditions.

Shri Ranga: You should not accept that report.

Shri T. N. Singh: It will be rather unfair for their work.

17.58 hrs.

Shri S. V. Ramaswami: My friends, Mr. Feroze Gandhi and Mr. Morarka have given certain facts, which are correct. I would only wish to submit that from the facts adduced by them, the emphasis that is laid on the conclusion of the Tariff Board is wrong. In pointing out the figures that they have given, the emphasis has got to be laid on this fact, namely, that the Tariff Board has given the price, which is much more than Telco's themselves wanted. It is in that view of the matter that I submit that the Tariff Board's report should be reviewed and it must be re-considered. I will tell you how I arrived at this.

I am almost certain that the answer given to my question on 7-5-56 was not placed before the Tariff Commission. If it had been placed..........

An hon. Member: It had been placed.

Shri S. V. Ramaswami: If it was placed, it makes matter worse. What I wish to say is that the Tariff Commission has given much more than what they have demanded. In giving the price for the first price period, 1954-55, there is some jugglery of the figures which I will presently submit to you. For the YP engines the price given is Rs. 5,20,000/- for the first period. Then, for the second period, the price given is Rs. 4,59,000/- that is, for 1955-56. This is what they themselves have claimed.

At that time the approximate landed cost of a similar imported locomotives was Rs. 3,52,000 for YP and Rs. 3,68,000/- for the second period. Now, there is a note appended to it, which says:

[Shri S. V. Ramaswami]

> "This figure excludes the profit in order to be comparable with the prices shown for the earlier, that is, pre-price period."

The cost, under the agreement, would include only the cost of production. The price quoted by the firm for 1954-55, including the profit and managing agency commission, is Rs. 6,54,000/-. The note says that this figure of Rs. 5,20,000/- was the price for YP engines for the first price period and Rs. 4,59,000/- for the second price period. Why did then the Tariff Commission give them the price of Rs. 6,90,000/- for the first period and Rs. 6,37,000/- for the second period? If they had these figures before them, what was the reasoning which made them go to that extent of giving them more than a lakh of rupees for each engine? I fail to see the reason.

18 hrs.

The point is this. Regarding the report of the Tariff Commission we find that they find fault with the Railway Board in one place and then with the TELCO in another place, and they seek to balance beween the two, and in the sequel they have exposed themselves to criticism. I have got an impression that they were leaning more heavily on the side of TELCO and supporting them. If they had not taken up that attitude, I am positive that the prices that they would have given ultimately would have been much less. It is in this view of the matter that I support the suggestion made by shri Morarka that this report should not be accepted and must be reviewed.

I have no time to go into other questions, the percentage the increase works out to etc.

Shri Ranga: Is it not a fact that they have already accepted the report?

Mr. Deputy-Speaker: So many speeches are being made in the House that it is difficult to follow which one I have permitted.

Shri S. V. Ramaswami: The Public Accounts Committee has done yeoman service, but the tragedy of it is that the Government have not accepted it. The Railway Board has not found its way to see the reasonableness of the recommendations of the PAC. The fifth report, the tenth report, the thirteenth report and the seventeenth report of the PAC contain passages with regard to TELCO. Every time the PAC met they have devoted great attention to TELCO, they have made searching enquiries into this matter and their report has been always sobre, but as I said, the unfortunate portion is that the Railway Board did not pay due attention to their recommendations.

As a matter of fact, the Railway Board has been shifting its ground. I shall give you only one instance. In the thirteenth report of the PAC in paragraph 58 they say:

> "The Committee further note that the loss resulting on account of payment of initial and double depreciation is of the order of Rs. 1·14 crores."

They say that it was not an advance payment as was contended by the Financial Commissioner of Railways, but was an additional payment. Subsequently this point was urged and in the seventeenth report, the PAC say:

> "The Committee would recall here that at their sitting held on 4th May, 1955 the then Financial Commissioner, Railways, assured the Committee that the over-payment made to TELCO would be taken into account at the time of the determination of firm prices. (See paragraph 139 of the Thirteenth Report). They are at a los to understand why the Railway Board have taken a different view now."

From time to time the Railway Board has been taking different views.

Almost all friends have submitted that TELCO should be taken over and nationalised. I will conclude by reading only one paragraph from the fifth report of the PAC and that will be very illuminating because it is a reasoned and sustained argument:

> "While on this subject, without pronouncing any opinion on the subject of nationalisation of industries as such, it appears to the Committee that in the case of an industry which caters entirely for Government purposes, such as the Locomotives or the Ammunition Factory, there is obviously a strong case for State-ownership and management of such industry. The arguments may be different in the case of an industry which caters only partially to the needs of Government. But in the case of an industry catering wholly to the Government requirements, the assessment and payment of profits has hardly any meaning. The Committee trust that Government will give due consideration to this view and come to an early decision on the advisability of their taking over from TELCO the manufacture of boilers and locomotives, and running it as a State-owned industry. If necessary, the Government can invite participation of private capital in such State-owned concerns in the shape of Debentures."

Dr. Sushila Nayar (Jhansi): I must say that this whole debate and the special pleading of the Tariff Commission in their report has been a most revealing thing for me. Most of my hon. friends who have participated in the debate are familiar with what has gone on in the various meetings of the P.C.A. in this connection but for me it was a completely new thing. I had always believed Tata to be one of our best Industrial. Therefore, to find that such things can happen even in an industry under Mr. Tata was, I must confess, a shock to me.

I won't go into the facts which have been very ably narrated by various Members already. I just want to point out two things. One is that the Railway Board themselves having given tremendous concessions to TELCO from the very beginning, were flabbergasted at the prices that TELCO wanted from them for the locomotives continuously. They found those prices to be too high and they could not accept them. That was why the dispute arose. Now, when the dispute goes to the Tariff Commission, it is strange that the Commission should increase those prices still further and give TELCO even more than what the Railway Board in the first place had found unacceptable as too high a price.

I just recapitulate some of the concessions that the Railway Board had given. Very great concessions have been given to TELCO. Condoning of tremendous delays and waiving of penalties for it have already been mentioned. Government had to buy Rs. 2 crores worth of shares of TELCO because TELCO could not sell them in the market. They paid further Rs. 2·6 crores towards depreciation and development cost. According to the report itself the total cost of the machines etc. of TELCO is Rs. 4·8 crores—leaving the hundreds out. Out of that Rs. 4·6 crores is directly invested by the Government of India.

18·08 hrs.

[MR. SPEAKER *in the Chair.*]

For housing etc. the Bihar Government had given Rs. 75,00,000, three-fourths of a crore of rupees.

What is it that is really the state of TELCO in this concern? Out of Rs. 4·8 crores of capital assets at the moment, Rs. 4·6 crores have been directly the contribution of the Government of India. I do not see what difficulty there is in taking it over. We do not even have to pay anything because we have already paid Rs. 4·6 crores, practically the whole cost, and the balance of Rs. 0·2 crores can very easily be found, if necessary, by Government to make up the difference.

The Railway Board have gone further to give more concession to them. The Board have in the agreement

[Dr. Sushila Nayar]

agreed that all the idle man hours and machine hours could be put on the loco jobs and non-loco jobs like manufacture of steamrollers, diesel engines, under-frames etc. need not take into account any idle man machine hours while counting the cost. This is very strange. It is ununderstandable why this should have been done.

I point out these things because I am told that some of the retired Railway Board members who are instrumental in concluding the agreement which has been very ably exposed by various hon Members of this House are today the directors of TELCO or are in other good jobs under Tata. It is very strange. I wish to bring it to the notice of the hon. Railway Minister to consider how proper it is that negotiations relating to money matters should be carried on between ex-members of the Railway Board and the present members of the Railway Board, some of whom may tomorrow, when they retire, be going into the employment of those people with whom they are negotiating.

As I have said at the very beginning, in spite of the fact that these tremendous concessions were given, the Railway Board themselves could not accept these high prices quoted by Tatas and it was on account of that that they wanted the whole thing to be reviewed and in the review the result is that they have to pay even more.

I do not have the time to quote figures. I will just mention that the prices we have paid to Tatas for boilers and locomotives range from 268 or 185 per cent. of landed cost of similar machine imported from other countries. This is very strange that we should pay such prices to an industry in which, practically, the assets are from the capital invested by the Government of India. As such, it is my humble submission that the Government should do something to look into its functioning, apart from the nationalisation of TELCO which is self-evident from the discussions that have taken place and the recommendations of the Public Accounts Committee. I think this report brings out very clearly that the Govt. should look into the working of the Railway Board as well as that of the Tariff Commission.

Is this report fair and impartial? It should be examined by a competent authority and a verdict obtained. Certainly, it should not be accepted by Government and it should be examined without any further delay and loss of money that comes from the poor man. We are levying heavy taxes on them. We have levied a tax on passenger fares which is going to hit the poorest man in the country. Here we are giving crores of rupees in this manner. It is very strange. Something needs to be done urgently and I hope the Railway Minister would not try to defend this deal but would rectify it.

Mr. Speaker: The hon. Member's time is up.

Dr Sushila Nayar: I am told by my hon. friend that the then Chief Commissioner of Railways is the Director of the Tata Industrials Ltd., and Managing Agent of TELCO. I stand corrected and accept the correction.

Mr. Speaker: What does the hon. Member mean? Does she mean that he was the Chief Commissioner when the agreement was arrived at?

Dr. Sushila Nayar: In 1947, Sir.

Mr. Speaker: Was there the Ajmer workshop before that?

Shri Feroze Gandhi: May I, with your permission, clarify this? This Chief Commissioner of Railways was Mr. Bhakle in November, 1947, a few months after this agreement was entered into. Mr. Bhakle has joined the Tata Industrials after he retired from the Railways.

Mr. Speaker: Does the hon. Member mean that it was entered into when he was here?

Shri Feroze Gandhi: It was not entered into when he was here.

Mr. Speaker: During the war time there was some manufacture here.

Shri Feroze Gandhi: That was all closed.

Mr. Speaker: The hon. Minister.

Shri Jagjivan Ram: The talk, no doubt, has been very interesting....

Shri Nagi Reddy (Anantapur): And informative also.

Shri Jagjivan Ram: It has been also informative.

Shri A. C. Guha: Not instructive?

Shri Jagjivan Ram: I only wish that some of the hon. Members who have participated in the debate had gone through the report of the Tariff Commission more thoroughly than they have done. (*Interruptions.*) I said some of the Members who have participated in the debate; I did not mean all the Members.

I will start with Dr. Sushila Nayar. She was very unfair when she said that some of the members of the Railway Board who were responsible for the agreement went over to TELCO. When we make any adverse comment or remark against any individual who is not in a position to defend himself here in the House, we should be sure of the facts before we make such allegations. What I am saying is, hon. Members should make themselves sure of the facts before they hurl accusations against any person who is not in a position to defend himself here; more so, when the person does not continue to be in the employment of the Government Of course, the officers who are in our employment are under my charge and custody, and I am here to defend them if any false allegation is made against them. Therefore, I say, Dr. Sushila Nayar—she is very considerate, she is intelligent—should have made herself sure of the facts before making this sweeping remark. I am sorry that this remark came from her.

Mr. Speaker: What is the truth about it?

Shri Jagjivan Ram: I am coming to it. It has been clarified by Shri Feroze Gandhi himself. Shri Bhakle...

Dr. Sushila Nayar: If no *ex*-Member of the Railway Board is in the employment of Tatas at present, I stand corrected. This was told to me by very reliable people and I thought it was correct. If there is no *ex*-Member of the Railway Board in the employment of Tatas at present I am sorry for the wrong statement.

Shri Jagjivan Ram: There may be an *ex*-member of the Railway Board in the employment of Mr. Tata. Whether that officer or Member of the Board was responsible for that agreement or not is the crucial point. Shri Bhakle was the Chairman, who is with the Tatas at present and not in the TELCO. But he was not the Chairman of the Railway Board at that time. (*Interruptions.*)

Shri Khadilkar (Ahmednagar): As the Speaker said, what is the truth?

Shri Ranga: Was he a Member of the Railway Board at that time when this was concluded?

Shri T. K. Chaudhuri (Berhampore): Who were the Members then?

Shri Jagjivan Ram: I have not got the complete list of Members at that time. What I am saying is that he was not a member.

Shri Feroze Gandhi: He was not a Member of the Railway Board at the time the agreement was signed. He became Chief Commissioner in November, 1947, after the retirement of Col. Emerson.

Dr. Sushila Nayar: I had not mentioned any name at all, that was mentioned by my hon. colleague. I only mentioned about *ex*-Members of the Railway Board.

Mr. Speaker: Why should there be so much of interruption? The hon. Minister is trying to explain certain facts. Certain facts were brought up before the House. I thought the hon. Member, Dr. Sushila Nayar, only said that persons who were here went away there and had in a nice way, having been erstwhile colleagues, entered into this kind of a convenient agreement with other Members of the Railway Board. That is all that she said.

Shri Jagjivan Ram: The whole agreement was entered into long ago. He was not a Member of the Railway Board at the time the agreement was signed. I will give the history of the agreement though it will simply mean some repetition. As a matter of fact, as has already been narrated in the House by Shri Morarka and Shri T. N. Singh, this agreement was virtually effected much before 1947; though it was signed formally in 1947 the agreement existed from 1945.

Shri A. C. Guha: June, 1945.

Shri Jagjivan Ram: Therefore, one should be sure of the facts before making such an accusation, that is what I meant.

Shri Goray: It becomes an agreement only after signing.

Mr. Speaker: The hon. Minister only says that during the course of negotiation somebody was there and thereafter he became Commissioner or General Manager.

Shri Jagjivan Ram. I am sorry, I have not said that.

Mr. Speaker: I am not able to follow. Let there be no interruption.

Shri Jagjivan Ram: I am sorry. What I said is this. As has been stated by the hon. Members here and as it has been narrated in the report of the Tariff Commission itself, this agreement between Tatas and the Railway Board was virtually in existence from 1945.

Mr. Speaker: Who was then the Chairman of the Board here in 1947?

Shri Jagjivan Ram: Some Englishman was the Chairman.

Shri Feroze Gandhi: Col. Emerson.

Shri Jagjivan Ram: Anyway, nobody who is with the Tatas today was at that time either Chairman or Chief Commissioner or Member of the Railway Board at all. It is clear.

Now, Shri T. N. Singh happens to be the Chairman of the Public Accounts Committee. He has been associated with that august body since a pretty long time. He knows the case very thoroughly. He asked me that I should not stand here to defend TELCOs. I am not trying to defend TELCOs, but I will certainly place certain objective facts for the consideration of Shri T. N. Singh and the House. It will not be out of place if I carry the House to a period in India and the conditions that existed during the period, 1943 to 1946. Just after the war, after the greatest strain on the railways when renewals and replacements had not been done and the difficulties in procurement of necessary locos and boilers were many, the idea of this factory was conceived. It is well that there is an objective appreciation of the conditions that obtained at that time. It is always convenient to be wiser after the events, because, when we consider a particular event at a subsequent stage, we have before us not only that particular time and the condition that existed at that particular time but also the subsequent developments before us which the persons who took the decision at that time did not have—the advantage of having subsequent developments. We should not forget that at all. In that context, people thought, as has been said in the report of the Tariff Commission, of utilising Singhbhum workshop for the manufacture of boilers, and also subsequently of the locomotives. It has been said that locomotives were manufactured in Ajmer workshop and they were closed in 1950 before the TELCO came into production impliedly with a view to help the TELCO.

Shri Feroze Gandhi: I did not say that.

Shri Jagjivan Ram: I may tell the House as a matter of information that the work of production or manufacture of locomotives in Ajmer workshop was discontinued in 1940.

Shri S. V. Ramaswami: Difference of ten years.

Shri Jagjivan Ram: Yes.

Shri S. V. Ramaswami: Perhaps it is a misprint.

Shri Feroze Gandhi: On a point of information. I read out a portion from the publication of the Indian Railways called *Indian Railways*. It was an extract from that publication, the centenary publication—*Indian Railways*—100 years.

Shri Jagjivan Ram: He has compared the prices.

Shri Feroze Gandhi: I read out that fact from the book. I can give it to you if you like for reference. It is in that publication.

Mr. Speaker: During the war, was it not said somewhere—I do not remember exactly—that as many as 12 locomotives were manufactured in Ajmer workshop?

Shri Jagjivan Ram: At present, I will repeat what I said.

Shri Feroze Gandhi: I am very sorry. What I quoted first was from *Indian Railways*. Now, by way of confirming it I shall now quote from the Annual Report of the Railway Board, 1946-47, Vol. It is as follows:

> "Ajmer workshop continued to work on the second batch of 10XT/I locomotive. A further order for 58 YB locomotives, the boilers for which will be manufactured by the Singhbhum workshops, was placed on these shops."

Where is it said that it was closed in 1940? I can give you year by year the orders placed on the Ajmer workshop.

Shri T. N. Singh: It might be a misprint.

Shri Jagjivan Ram: I will have to check it up.

Mr. Speaker: The hon. Minister will check it up. I think there was a Standing Finance Committee for the railways and this matter came up then. There was also objection to its being closed down. The hon. Minister will kindly look into that.

Shri Jagjivan Ram: I will have to check it up. I am only reading from the paper I have received. (*Interruptions.*)

Dr. Sushila Nayar: I may be excused for a slight, if I have made any, when the Minister himself is finding it difficult to be accurate in his figures.

Shri Parulekar (Thana): May I suggest that the Minister may continue tomorrow, so that he may have all the facts?

Mr. Speaker: This can go on; if there are any points which require further elucidation, certainly we shall see.

Shri Feroze Gandhi: I think that 1950 become 1940.

Mr. Speaker: I am only requesting hon. Members to allow the hon. Minister to continue his thread. After all, he has not been Railway Minister since 1940. He can only act upon what information is given to him. However important the matter may be, let us not get excited over this. Does the hon Minister think that he must have some more time?

Shri Jagjivan Ram: In the very beginning I have said that I will take 25 to 30 minutes. When the Deputy Speaker enquired what time I would need, I said I would need 25 to 30 minutes. I propose not to exceed that time; I will be able to finish within that time. I have not exceeded it. I started at 6·15.

Mr. Speaker: Hon. Members will kindly keep quiet. Tomorrow...

Some Hon. Members: Just now.

Mr. Speaker: Let us see whether we could have this for half an hour tomorrow. But there is a half-an-hour discussion soon after the Private Members' Bills tomorrow. Therefore, if the hon. Minister has no objection, we will sit till 7 o'clock.

Shri Jagjivan Ram: I have no objection.

Shri Mahanty (Dhenkanal): The year of closure of the Ajmer factory is very material for this purpose. Mr. Feroze Gandhi said it was 1950 and the hon. Minister says 1940 and we are in a fix. I submit that the year is very material for considering the issue on its own merits. Therefore, this matter should be properly checked.

Mr. Speaker: The hon. Minister will go on. Hon. Members will not kindly interrupt hereafter.

Shri Jagjivan Ram: I have not much to say about these things. As I have said, the Tariff Commission had produced a very good report. We may not agree with the recommendation or we may agree but this much credit will have to be given to the Tariff Commission that they had placed the facts very frankly. The facts and the conditions in the TELCO have been very objectively placed in this report . . . . . .

Shri Ranga: They have been paid more than they asked.

Shri Jagjivan Ram: If the hon. Member will go through the report of the Tariff Commission, he will find that they have not been given more than what they asked. I will, therefore, request the hon. Members to go through the report.

There have been some variations in the prices which have been raised by Shri Ramaswami and by Shri Feroze Gandhi also. How are the prices to be reconciled? There too, if you go through the report of the Tariff Commission, there is an answer to that. The TELCO wanted to spread the special depreciation over the whole period of the agreement whereas the railways wanted that it should be paid as and when accrued. That makes the difference in the two prices.

Shri Feroze Gandhi: Three prices.

Shri Jagjivan Ram: I will read from the report. If the hon. Members will see page 46, they will find the answer. The Tariff Commission has said that the prices payable to TELCO would have been lower than those recommended by them if the Railway Board had accepted the principle of even spread of depreciation proposed by the company because the incidence of depreciation would have been lower than the actual in the earlier periods and higher in the later periods. They further say:

> "In that case, however, as explained in paragraph 15·2 over agreement period as a whole, the Railway Board would have paid the same amount by way of depreciation but a higher amount by way of *profit on capital* employed."

As a matter of fact, the Tariff Commission did not recommend prices higher than quoted by the TELCO themselves.

Shri Feroze Gandhi: I want to understand this. How can the prices vary? There was the first price as per the statement laid by you on the Table Rs. 6,54,000. The second is the two quotations of the Railway Board to the Tariff Commission. One is Rs. 7,20,000. Then, the other one is quoted by the TELCO to the Railway Board and submitted to the Tariff Commission Rs. 6,45,000. I would like to understand how they can vary. Is there any explanation? That is what I want to understand.

Shri Jagjivan Ram: There is; that is what I have said. If you look to page 32, paragraph 15·2 of the report of the Tariff Commission, you will find an explanation to that.

Shri Feroze Gandhi: The Tariff Commission did not even mantion Rs. 7,20,000.

Shri Jagjivan Ram: I was explaining why there has been this variation. It will be there if you spread depreciation over the entire period of the contract. That was the reason why this difference arose...

Shri S. V. Ramaswami: In 1956, they themselves wanted Rs. 5,20,000 and in the second period only Rs. 4,09,000. The firm themselves wanted this but they have been given more.

Shri Jagjivan Ram: That is there and this is the basic cause. When the special depreciation was spread over a longer period the price was low; when it was computed every year the price was naturally high. That was the reason.

I shall give the House what was the price quoted by the TELCOS and what was recommended by the Tariff Commission. As I have said, one may or may not agree with the recommendations of the Tariff Commission, but the Tariff Commission had explained all the facts. Many hon. Members have most of the drawbacks in the TELCOS as noticed by the Tariff Commission. If hon. Members had seen the resolution of Government accepting the recommendations of the Tariff Commission, they would have found that Government had pointed out to the TELCOS all the defects and drawbacks existing in the TELCOS as mentioned by the Tariff Commission and expected that the TELCOS would rectify those defects at the earliest possible opportunity.

Shri Ranga: Is there a penalty clause?

Shri Jagjivan Ram: There is in the agreement a penalty clause for the shortfall in execution of the orders placed with the TELCOS. But it is known to hon. Members that for the development periods, period A and period B, in the case of boilers the penalty was not enforced. Mr Feroze Gandhi has given the figures; he himself knows why it was not enforced. As regards the first price period when the shortfall was within 10 per cent, no cause for enforcing the penalty clause. During recent period there was a shortfall and we imposed the penalty clause and an amount of nearly Rs. 80,000 has been claimed on that account. For the coming period we expect there will be no shortfall but if there is a shortfall I may assure the House that we will take action.

If we compare the price of locomotives imported from Germany or Japan, the prices of TELCOS are higher. There is no doubt about that. I do not want to bring in Chittranjan here. Chittaranjan is a fine piece of achievement of the Ministry of Railways, and it is doing a fine job and we should be proud of that. The Tariff Commission has made certain comparisons between Chittaranjan and TELCO. I do not think that should be regarded as a basis for any decision. There are certain differences in the wage structure of Chittaranjan and TELCO. I am not saying this by way of defence, but we will have to take things as they exist.

In Tata industries whether it is TISCO or other industries roundabout TISCO, they have their own scheme of payment to their labour and there is no denying the fact that the basic wages in these industries roundabout TELCO—even, industries not belonging to Tatas—the basic wages are low, and commensurate with that, the norms also are low.

Shri Feroze Gandhi: We have raised the question of man-hours, not wages.

Shri Jagjivan Ram: I am only saying that these are the things, as they exist there, in that area where industrial development has taken place. In Tata Iron and Steel Company also, the basic wages are low, the norms are low (*An hon. Member*: That is questionable) and they are compensated by various kinds of bonuses. That is the position. The total emoluments, of course, are quite reasonable, but their wage structures

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are quite different from our wage structure in Chittaranjan. There is no deyning the fact that the Tariff Commission itself has given figures about man-hours and utilisation of machinery, and it proves that there is surplus labour in TELCOS and that there is no full utilisation of the workers and also of the machinery.

How is the overhead to be charged is the question. That also has been given by the Tariff Commission, on what basis, according to the agreement the various overhead charges in TELCO are adjusted. The TELCOS have head, if I may be permitted to use the word, a chequered career since 1945 to 1954. Their various difficulties have been recounted in the report of the Tariff Commission itself But if we compare the prices from the development period to the first price period and the second price period, we will find that there has been progressive reduction in the prices of the locomotives and boilers.

Shrimati Renu Chakravartty (Basirhat): It is high even now.

Shri Jagjivan Ram: It is a fact that the prices are higher than the landed cost of German and Czechoslovakian locomotives.

An Hon. Member: And Japanese.

Shri A. C. Guha: Also British.

Shri Jagjivan Ram: It is not now, if my friend Mr. Guha will look into it

Shri A. C. Guha: You are including customs duty in the landed cost, which should not have been included.

Shri Jagjivan Ram: So at present their prices are going lower down than the U.K. prices.

Then I come to the question of special depreciation. Again I may point out that as the agreement existed even before 1947 when it was signed, a draft agreement about a special depreciation was agreed to even before 1947. The Central Board of Revenue was consulted and they had said that it is not a normal practice but they will not be embarrassed in any way by this. I am narrating the facts as they are.

Shri Ranga: May I know whether it was brought to the notice of the P. A. C.?

Shri T. N. Singh: You are referring to an oral agreement.

Shri Feroze Gandhi: May I read out to you the letter of the Central Board of Revenue? It says ......

Mr. Speaker: Order please. I am not able to understand these interruptions. I thought the hon. Member had half an hour.

Shri Feroze Gandhi: We are also responsible Members. The letter is here I can read it out, if you like.

Mr. Speaker: The hon. Minister is not casting any aspersions on the hon Member.

Shri Jagjivan Ram: I said it was referred to them, and they said it was not a normal practice I am not quoting, I am speaking from memory; I have the impression.... .

Shri Ranga: It was never brought to the notice of the P.A.C.

Shri Jagjivan Ram: I do not say it was not brought to the notice of the Central Board of Revenue. They were consulted, and they said that it was not a normal practice but they will not feel embarrased on that account in any other sector No contradiction to Mr. Feroze Gandhi that he was wrong and I am right is involved.

Shri A. C. Guha: In the letter it has been clearly stated that this should not be included as an element of cost.

Mr. Speaker: This kind of running commentary leads us nowhere.

Shri Jagjivan Ram: Why this additional depreciation was given should be known from the Income-tax Act itself. It was to encourage certain industries and in order to establish an industry, which was required in the country. That was perhaps the consideration on account of which this facility was granted to them.

All the figures are here. Mr. Feroze Gandhi said that by the time of the expiry of the agreement, 86 per cent of the original cost would have been paid to them. That is perhaps a fact. If we calculate the normal depreciation and the special normal depreciation, it may be that 86 per cent of the original cost would have been paid to them by the end of the agreement and 14 per cent will remain as the book value.

As I have said, the prices are coming down progressively. I have listened to the various remarks and comments made by the various members of the House. We are on the point of negotiating for prices for the next price period. As a matter of fact, the Railway Board has already written to TELCO to quote the price for the coming period in order to start negotiations with them, if necessary, because the existing price is only till the end of March 1958. While considering the quoted price by the TELCO, we will keep in view all the comments that have been made by the members in this House.

Shri Feroze Gandhi: We do not want anything more.

Shri Nagi Reddy: From all sides of the House there was a request for nationalisation. What about that?

Shri Jagjivan Ram: That has been raised by the Public Accounts Committee, I think, in their fifth and the tenth report.

Shri T. N. Singh: The fifth report.

Shri Jagjivan Ram: The Railway Board has submitted notes to the Public Accounts Committee on that point also and the Public Accounts Committee have noted the comments of the Railway Board on the question of nationalisation. Mr. T. N. Singh happens to be the Chairman of that Committee.

Shri T. N. Singh: I think you are putting them in the wrong. In the meantime, Government had already referred the case to the Tariff Commission. Naturally, when the thing was seized by a commission, the Committee withheld its comment. That is the position. If you say that the Committee approved of it, it would be wrong.

Shri Jagjivan Ram: About the differences between TELCO and the Railway Board regarding the prices to be paid to TELCO in one of the reports, the Public Accounts Committee itself suggested that the matter may be referred to arbitration and it should be settled. It is contained in report of the Public Accounts Committee.

Shri T. N. Singh: Only about price.

Shri Jagjivan Ram: I am not saying that we referred the question of nationalisation to the Tariff Board. I am referring to the question of price. No settlement was being arrived at between the TELCO and the Railway Board about price, and the suggestion of the Public Accounts Committee was that we should settle this question by arbitration.

Shri T. N. Singh: That is there in the agreement itself.

Shri Jagjivan Ram: We thought that the Tariff Commission is a handy organisation and we should utilise that especially when such work is within the jurisdiction of the Tariff Commission. Government thought that such questions as the determination of price should be referred to the Tariff Commission. Accordingly it was decided by Government to refer the matter to the Tariff Commission, and we have accepted the recommendations of the Tariff Commission. We have also brought to the notice of TELCO, as I have said, all the comments that the Tariff Commission has

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made about certain weaknesses in the organisation of TELCO, regarding the man-hours taken for the manufacture of locomotives or the full utilisation of the machinery there. They have been brought to their notice, and we will see that they take effective steps in order to reduce the man-hours, arrange for fuller utilisation of the labour force, their proper absorption and also for proper utilisation of the plant and machinery there. More than that I cannot say.

Again I will assure the House that the Railway Board and the Government will bear all the comments that have been made by the Members while considering and negotiating the price for the next price period.

Shri Feroze Gandhi: May I ask for one clarification? The hon. Minister stated that the price of TELCO locomotives in the price period "C" has come down below the British landed cost. The locomotives which TELCO are manufacturing are not British locomotives. They are German locomotives and their technical associates are also Krauss—Mauffei. May I know why the landed cost of the German locomotives should not be the norm for this comparison and not the British because we are not importing any British locomotives at all ?

Shri Nagi Reddy: But they are lower in price.

Shri Jagjivan Ram: Shri S. V. Ramaswamy dins in my ear that the agreement refers to the U.K. landed cost.

Shri Feroze Gandhi: Only in the development period. In the fixed price period that does not apply.

Shri Ranga: May I know at what level the report of the Tariff Commission was considered and accepted? Was it by the Railway Board itself, or by the Minister or by the Cabinet as a whole?

The Minister of Finance (Shri T. T. Krishnamachari): All reports of the Tariff Commission come before the cabinet.

Shri Ranga: But I would like to know more specifically from the Railway Minister whether he has ascertained as to the level at which or by whom this was actually accepted?

Shri Jagjivan Ram: As my friend the Finance Minister, has said, all recommendations of the Tariff Commission come before the Cabinet.

Shri Ranga: This is different from the other things. They only make recommendations with regard to the protection to be given to various industries. Here it was only advice that was given.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Every report of the Tariff Commission is placed before the Cabinet in regard to every matter. It is obvious that the Cabinet gets it with the recommendations of the Ministry concerned, and normally speaking, the Cabinet accepts an expert body's opinion. I am not talking about this particular matter

Shri Ranga: This is slightly different. Here the Tariff Commission was not asked to say how much protection is to be given as is usually done in regard to industries. Here, their advice and opinion was sought. Therefore, a slightly different procedure should have been pursued in considering this particular report. That was the reason why I put that question. The normal procedure would not obtain here.

Shri T. T. Krishnamachari: I am afraid my hon. friend is wrong. The Tariff Commission does deal with the question of prices. Steel prices are settled by the Tariff Commission cement prices are settled by the Tariff Commission. We refer to the Tariff Commission many price matters, and as the Prime Minister has mentioned, no decision is taken by Government in regard to any of these matters which go before the Tariff Commission until the appropriate Ministry put forward their case and the matter is considered by the Cabinet. As the Prime Minister mentioned, in many cases the acceptance of the Cabinet is formal because it is a matter of protection or something like that, but this matter was considered and a decision taken

Shri A. C. Guha: The hon. Minister has stated that the price in the third price period is lower than the landed cost of the British locomotives. In reply to a question on 26-8-1957 it was stated that during the third price period, the price fixed is Rs. 4,44,000. and the price for the British locomotive (landed cost) given on the same day in the same reply was Rs. 4,15,833 This is also inclusive of customs duty which will be over Rs. 20,000 for freights insurance and other charges. Then how can they say that the price in the third period will be lower than the landed cost of the British locomotive?

Shri Feroze Gandhi: It is a wrong reply that was given.

Several Hon. Members *rose*—

Mr. Speaker: The House now stands adjourned and will meet again at 11 hours tomorrow.

18-57 hrs.

The Lok Sabha then adjourned till Eleven of the clock on Friday, the 6th September, 1957.

DAILY DIGEST

[*Thursday, 5th September, 1957*]

ORAL ANSWERS TO QUESTIONS . . . 11963—12003

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23.	Violation of Indian territory by the Portuguese troops. . . .	12000—03

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1264.	Statutory bodies under the Ministry of Information and Broadcasting . .	12018
1265.	Statutory bodies under the Ministry of External Affairs. . . .	12018—20
1266.	Statutory bodies under the Ministry of Commerce and Industry . . .	12020
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1270.	Indian Freedom Struggle Concert .	12023
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1300.	Training of Creche Nurses	12039
1301.	Coal Mines Welfare Organisation, Dhanbad .	12039
1302.	Film on the struggle for Freedom. . . .	12040

PAPER LAID ON THE TABLE 12040

A copy of the Notification No. S.R.O. 1957, dated the 8th June, 1957, making certain amendments to the Development Councils (Procedural) Rules, 1952 was laid on the Table.

MINUTES OF RULES COMMITTEE LAID ON THE TABLE . . . 12041

Dr. Sushila Nayar laid on the Table a copy of Minutes of the sitting of the Rules Committee held on the 31st August, 1957.

MESSAGE FROM RAJYA SABHA 12041

Secretary reported a message from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Finance (No. 2) Bill, 1957 passed by Lok Sabha on the 28th August, 1957.

PETITION PRESENTED . 12041

Shri Ramy Reddy presented a petition signed by a petitioner relating to amendment of Indian Post Office Savings Bank Rules.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE . . 12041—44

Shri Balkrishna Wasnik called the attention of the Minister of Finance to the statement made by the Finance Minister of Pakistan regarding amounts payable by India to Pakistan.

The Minister of Finance (Shri T. T. Krishnamachari) made a statement in regard thereto.

COLUMNS

BILL UNDER CONSIDERATION . . . . 12044—66

Further discussion on the motion to consider the Legislative Councils Bill and the amendments for circulation of the Bill for the purpose of *eliciting opinion* thereon and for reference of the Bill to Select Committee continued.

On an amendment for circulation of the Bill, moved by Shri Narayanankutty Menon, the House divided: Ayes 52; Noes 134. The amendmnet was accordingly negatived.

All the other amendments were withdrawn by leave of the House.

The motion for consideration of the Bill was adopted and clause by-clause consideration was taken up.

Clause-by-clause consideration was not concluded.

DISCUSSION ON PRICES OF LOCOMOTIVES . . 12166—12224

Shri Feroze Gandhi raised a discussion on the prices paid for locomotives manufactured by Tata Locomotive Works.

The Minister of Railways (Shri Jagjivan Ram) replied to the debate.

AGENDA FOR FRIDAY, 6th SEPTEMBER, 1957. . . .

Further consideration and passing of the Legislative Councils Bill and Private Members' Bills.